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Department of MENTAL Health and Substance Abuse Services	450	STATE Employee Charitable Contributions, Oversight Committee (<i>Formerly: STATE Agency Review Committee</i>)	695
MERIT Protection Commission	455	STATE Use Committee (<i>Formerly: Committee on Purchases of Products and Services of the Severely HANDICAPPED</i>)—See Title 304	
MILITARY Planning Commission, Oklahoma Strategic	457	Oklahoma STUDENT Loan Authority	700
Department of MINES	460	TASK Force 2000	705
Oklahoma MOTOR Vehicle Commission	465	Oklahoma TAX Commission	710
Board of Regents of MURRAY State College (<i>exempted 11-1-98</i>)	470	Oklahoma Commission for TEACHER Preparation	712
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs Control	475	TEACHERS' Retirement System	715
Board of Regents of NORTHERN Oklahoma College (<i>exempted 11-1-98</i>)	480	State TEXTBOOK Committee	720
Oklahoma Board of NURSING	485	TOBACCO Settlement Endowment Trust Fund	723
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators</i>)	490	Oklahoma TOURISM and Recreation Department	725
Board of Regents of OKLAHOMA City Community College (<i>exempted 11-1-98</i>)	495	Department of TRANSPORTATION	730
Board of Regents of OKLAHOMA Colleges (<i>exempted 11-1-98</i>)	500	Oklahoma TRANSPORTATION Authority (<i>Name changed to Oklahoma TURNPIKE Authority 11-1-05</i>) - See Title 731	
Board of Examiners in OPTOMETRY	505	Oklahoma TURNPIKE Authority (<i>Formerly: Oklahoma TRANSPORTATION Authority AND Oklahoma TURNPIKE Authority</i>) - See also Title 745	731
State Board of OSTEOPATHIC Examiners	510	State TREASURER	735
PARDON and Parole Board	515	Board of Regents of TULSA Community College (<i>exempted 11-1-98</i>)	740
Oklahoma PEANUT Commission	520	Oklahoma TURNPIKE Authority (<i>Name changed to Oklahoma TRANSPORATION Authority 11-1-99 - no rules enacted in this Title - See Title 731</i>)	745
Oklahoma State PENSION Commission	525	Oklahoma UNIFORM Building Code Commission	748
State Board of Examiners of PERFUSIONISTS	527	Board of Trustees for the UNIVERSITY Center at Tulsa (<i>exempted 11-1-98</i>)	750
Office of PERSONNEL Management	530	UNIVERSITY Hospitals Authority	752
Board of Commercial PET Breeders	532	UNIVERSITY Hospitals Trust	753
Oklahoma State Board of PHARMACY	535	Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted 11-1-98</i>)	755
PHYSICIAN Manpower Training Commission	540	Board of Regents of the UNIVERSITY of Science and Arts of Oklahoma (<i>exempted 11-1-98</i>)	760
Board of PODIATRIC Medical Examiners	545	Oklahoma USED Motor Vehicle and Parts Commission	765
Oklahoma POLICE Pension and Retirement System	550	Oklahoma Department of VETERANS Affairs	770
State Department of POLLUTION Control (<i>abolished 1-1-93</i>)	555	Board of VETERINARY Medical Examiners	775
POLYGRAPH Examiners Board	560	Oklahoma Department of CAREER and Technology Education (<i>Formerly: Oklahoma Department of VOCATIONAL and Technical Education</i>)	780
Oklahoma Board of PRIVATE Vocational Schools	565	Oklahoma WATER Resources Board	785
State Board for PROPERTY and Casualty Rates (<i>abolished 7-1-06; see also Title 365</i>)	570	Board of Regents of WESTERN Oklahoma State College (<i>exempted 11-1-98</i>)	790
State Board of Examiners of PSYCHOLOGISTS	575	Oklahoma WHEAT Commission	795
Department of CENTRAL Services (<i>Formerly: Office of PUBLIC Affairs</i>)	580	Department of WILDLIFE Conservation	800
PUBLIC Employees Relations Board	585	WILL Rogers and J.M. Davis Memorials Commission	805
Oklahoma PUBLIC Employees Retirement System	590		
Department of PUBLIC Safety	595		
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Board of Regents of REDLANDS Community College (<i>exempted 11-1-98</i>)	607		
State REGENTS for Higher Education	610		
State Department of REHABILITATION Services	612		
Board of Regents of ROGERS State College (<i>exempted 11-1-98</i>)	615		
Board of Regents of ROSE State College (<i>exempted 11-1-98</i>)	620		

Gubernatorial Approvals

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

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

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

[OAR Docket #12-797]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General Provisions

75:15-1-1.1 [AMENDED]

75:15-1-2 [AMENDED]

Subchapter 2. Domestic Violence and Sexual Assault Programs

75:15-2-1 [AMENDED]

75:15-2-2 [AMENDED]

75:15-2-3 [AMENDED]

75:15-2-4 [AMENDED]

Subchapter 5. Client Records and Confidentiality

75:15-5-3 [AMENDED]

75:15-5-3.1 [AMENDED]

Subchapter 7. Physical Environments

75:15-7-1 [AMENDED]

75:15-7-5 [AMENDED]

75:15-7-6 [AMENDED]

75:15-7-9 [AMENDED]

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

75:15-17-3 [AMENDED]

GUBERNATORIAL APPROVAL:

May 4, 2012

[OAR Docket #12-797; filed 6-13-12]

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

[OAR Docket #12-798]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General Provisions

75:25-1-2 [AMENDED]

75:25-1-3 [AMENDED]

Subchapter 3. Batterers Intervention

75:25-3-1 [AMENDED]

75:25-3-4 [AMENDED]

75:25-3-6 [AMENDED]

75:25-3-13 [AMENDED]

75:25-3-15 [AMENDED]

Subchapter 5. Personnel and Volunteers

Part 1. Personnel

75:25-5-3 [AMENDED]

Part 5. Training

75:25-5-19 [AMENDED]

75:25-5-20 [AMENDED]

75:25-5-21 [AMENDED]

GUBERNATORIAL APPROVAL:

May 4, 2012

[OAR Docket #12-798; filed 6-13-12]

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

[OAR Docket #12-799]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 5. General District Provisions and Additional Zoning Regulations

Part 5. Special Uses

120:10-5-25 [AMENDED]

Subchapter 15. Signage Regulations

120:10-15-16 [NEW]

GUBERNATORIAL APPROVAL:

May 2, 2012

[OAR Docket #12-799; filed 6-15-12]

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

[OAR Docket #12-817]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

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

580:20-27-1 [NEW]
580:20-27-2 [NEW]
580:20-27-3 [NEW]
580:20-27-4 [NEW]
580:20-27-5 [NEW]
580:20-27-8 [NEW]
580:20-27-9 [NEW]
580:20-27-10 [NEW]
580:20-27-11 [NEW]
580:20-27-12 [NEW]
580:20-27-13 [NEW]
580:20-27-14 [NEW]
580:20-27-15 [NEW]
580:20-27-16 [NEW]
580:20-27-17 [NEW]
580:20-27-18 [NEW]
580:20-27-19 [NEW]
580:20-27-20 [NEW]
580:20-27-21 [NEW]
580:20-27-22 [NEW]
580:20-27-23 [NEW]
580:20-27-26 [NEW]
580:20-27-27 [NEW]
580:20-27-28 [NEW]
580:20-27-29 [NEW]

GUVERNATORIAL APPROVAL:
May 4, 2012

[OAR Docket #12-817; filed 6-22-12]

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

[OAR Docket #12-818]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

580:55-1-1 through 580:55-1-18 [REVOKED]
Subchapter 1. General Provisions [NEW]
580:55-1-21 through 580:55-1-29 [NEW]
Subchapter 3. Training [NEW]
580:55-3-1 [RESERVED]
Subchapter 5. Testing, Certification and Recertification [NEW]
580:55-5-1 through 580:55-5-14 [NEW]
Subchapter 7. Standards for Alternative Fuels Technicians-Conversion and Compression [NEW]
580:55-7-1 through 580:55-7-4 [NEW]
Subchapter 9. Violations [NEW]
580:55-9-1 through 580:55-9-5 [NEW]

GUVERNATORIAL APPROVAL:

May 4, 2012

[OAR Docket #12-818; filed 6-22-12]

TITLE 580. DEPARTMENT OF CENTRAL SERVICES
CHAPTER 61. OKLAHOMA STATE GOVERNMENT ASSET REDUCTION AND COST SAVINGS PROGRAM

[OAR Docket #12-819]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

580:61-1-1 [NEW]
580:61-1-2 [NEW]
580:61-1-3 [NEW]

GUVERNATORIAL APPROVAL:

May 4, 2012

[OAR Docket #12-819; filed 6-22-12]

Gubernatorial Disapprovals

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

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

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

[OAR Docket #12-820]

RULEMAKING ACTION:

Gubernatorial disapproval of permanent rule

RULES:

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

GUBERNATORIAL DISAPPROVAL:

Failure of the Governor to approve the rule within 45 calendar days after submission resulted in disapproval on May 14, 2012.

[OAR Docket #12-820; filed 6-22-12]

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

[OAR Docket #12-821]

RULEMAKING ACTION:

Gubernatorial disapproval of permanent rules

RULES:

Subchapter 3. Training [NEW]
580:55-1-33 [NEW]

GUBERNATORIAL DISAPPROVAL:

Failure of the Governor to approve the rule within 45 calendar days after submission resulted in disapproval on May 14, 2012.

[OAR Docket #12-821; filed 6-22-12]

Legislative Disapprovals

Upon disapproval by the Legislature of an agency's rules, the agency must publish a notice of such legislative disapproval in the Register.

For additional information on legislative disapprovals, see 75 O.S., Section 308.

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

[OAR Docket #12-809]

RULEMAKING ACTION:

Legislative disapproval of PERMANENT rules

RULES:

Subchapter 3. Fee schedules

35:2-3-2.1 [AMENDED]

35:2-3-2.2 [AMENDED]

35:2-3-2.3 [AMENDED]

35:2-3-2.4 [AMENDED]

35:2-3-2.5 [AMENDED]

35:2-3-2.6 [AMENDED]

LEGISLATIVE DISAPPROVAL:

Failure of the Legislature to actively approve the rule by joint resolution prior to sine die adjournment results in disapproval on May 25, 2012.

[OAR Docket #12-809; filed 6-21-12]

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

[OAR Docket #12-815]

RULEMAKING ACTION:

Legislative disapproval of PERMANENT rules

RULES:

Subchapter 44. Farmed cervidae

35:15-44-18 [AMENDED]

LEGISLATIVE DISAPPROVAL:

Failure of the Legislature to actively approve the rule by joint resolution prior to sine die adjournment results in disapproval on May 25, 2012.

[OAR Docket #12-815; filed 6-21-12]

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

[OAR Docket #12-796]

RULEMAKING ACTION:

Legislative disapproval of PERMANENT rules

RULES:

Subchapter 9. NEC® 2011 Edition [NEW]

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

Subchapter 11. IFGC® 2009 [NEW]

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

Subchapter 13. IMC® 2009 [NEW]

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

Subchapter 15. IPC® 2009 [NEW]

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

LEGISLATIVE DISAPPROVAL:

Failure of the Legislature to actively approve the rules by joint resolution prior to sine die adjournment resulted in disapproval on May 25, 2012

EMERGENCY RULES TERMINATED:

n/a

[OAR Docket #12-796; filed 6-13-12]

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

[OAR Docket #12-826]

RULEMAKING ACTION:

Withdrawal of Emergency rulemaking

WITHDRAWN RULES:

Subchapter 2. Forensic Science Fees
445:10-1-11 [AMENDED]

DATES:

Adoption:

April 12, 2012

Submitted to Governor:

N/A

Submitted to House:

N/A

Submitted to Senate:

N/A

Gubernatorial Approval:

N/A

Withdrawn:

June 22, 2012

[OAR Docket #12-826; filed 6-25-12]

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

[OAR Docket #12-827]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 13. Student Assessment

210:10-13-16. Student exceptions and exemptions related to graduation requirements for end-of-instruction exams [AMENDED]

AUTHORITY:

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

DATES:

Adoption:

May 24, 2012

Approved by Governor:

June 1, 2012

Effective:

Immediately upon Governor's approval

Expiration:

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

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

On April 18, 2012, the Governor signed into law H.B. 2970, which requires the State Board of Education to promulgate rules establishing an appeals process for students who have been denied a standard diploma by the school district in which the student is or was enrolled for failing to meet graduation requirements of 70 O.S. 1210.520 (ACE Graduation Requirements).

ANALYSIS:

The proposed rule amendments establish an appeals process for students who have been denied a standard diploma by the school district in which the student is or was enrolled for failing to meet graduation requirements of 70 O.S. 1210.520 (ACE Graduation Requirements). The proposed rule establishes an appeals process as required by that law.

CONTACT PERSON:

Connie Holland, 405-521-3308

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

SUBCHAPTER 13. STUDENT ASSESSMENT

210:10-13-16. Student exceptions and exemptions related to graduation requirements for end-of-instruction exams

(a) **Definitions.** Words and terms in this section shall have the following meaning:

(1) **"Alternate method"** means demonstrating mastery of state curriculum standards through an End of Course Project designed and approved by the State Board of Education. An End of Course Project is a project integrating and applying the knowledge and skills gained throughout a course to address a practical, real world challenge.

(2) **"Alternate test"** means a state or national test approved by the Oklahoma State Board of Education for one or more of the subject areas assessed by an end-of-instruction exam, which equals or exceeds the rigor of the end-of-instruction exam.

(3) **"Extenuating Circumstances"** means circumstances which are unexpected, significantly disruptive, beyond a student's control, and which may have reasonably affected his/her academic performance, or special circumstances identified by the Board.

(4) **"Proficient/Satisfactory"** means achieving at least the minimum score for demonstrating mastery as defined by the State Board of Education on an academic achievement test of the Oklahoma School Testing Program (OSTP).

(b) In accordance with 70 O.S. § 1210.523 A-E, students may graduate from a public high school with a standard diploma by demonstrating mastery in the state academic content standards for Algebra I; English II; and two of the following five: Algebra II, Biology I, English III, Geometry, and United States History by attaining at least a satisfactory or proficient score on the end-of-instruction exams or in the following way:

(1) Students who do not attain at least a satisfactory or proficient score on any of the required end-of-instruction exams in Algebra I, English II, and two of the following five: Algebra II, Biology I, English III, Geometry, and United States History may be eligible to graduate with a standard diploma by completing steps below until a satisfactory or proficient score is attained and meeting all other graduation requirements:

(A) Step One: Students shall be provided one or more remediation opportunities and will either:

Emergency Adoptions

- (i) Retake the end-of-instruction exam(s); or
 - (ii) Score satisfactory or proficient on a State Board of Education approved alternate test in the subject area which may be taken prior to or subsequent to the end-of-instruction exam.
- (B) Step Two: Students who do not achieve a satisfactory or proficient score through step one shall continue to receive remediation opportunities and will either:
- (i) Retake the end-of-instruction exam(s); or
 - (ii) Score satisfactory or proficient on a State Board of Education approved alternate test in the subject area which may be taken prior to or subsequent to the end-of-instruction exam; or
 - (iii) Demonstrate mastery of the subject matter through an End of Course Project which includes meeting the level of mastery defined by the rubrics explained in (b)(2) of this section.
- (C) Students who do not meet the graduation requirements through Step Two may repeat Step Two as necessary. School districts will only provide remediation for students while they are enrolled in public school.
- (D) An alternate test may be used to meet the graduation requirements for more than one end-of-instruction exam. A student may take more than one alternate test to meet the graduation requirements.
- (E) Remediation opportunities will be outlined in the local school district remediation plan (70 O.S. § 1210.523). School districts shall document a student's failure to participate in remediation including written acknowledgement of the graduation requirements by the student's parent or guardian.
- (F) School districts shall document a student's failure to complete test retake opportunities including written acknowledgement by the student's parent or guardian of the graduation requirements related to end-of-instruction tests.
- (2) Demonstration of mastery through an End of Course Project (Alternate Method).
- (A) In order to demonstrate mastery and graduate through an alternate method on end of instruction exams, students must complete an End of Course Project for Algebra I, Algebra II, Biology I, English II, English III, Geometry, or United States History. End of Course Projects will be designed by the State Department of Education and approved by the State Board of Education.
- (i) End of Course Projects for English II and English III must include a response to literature and a writing sample of comparable rigor to the end-of-instruction exams.
 - (ii) End of Course Projects for Biology I must include the process standards as assessed through laboratory experiments.
- (B) School districts, shall submit completed student End of Course Project(s) to the State Department of Education by April 1, August 1, or November 1 of each year. Projects will be evaluated and returned within 45 business days. Subject to the availability of funds, the State Department of Education may contract with individuals, educational institutions, or companies to evaluate these End of Course Projects. Evaluators shall use rubrics approved by the State Board of Education for determining student mastery of state academic content standards through End of Course Projects. If funds are not available, End of Course Projects will be evaluated at the local school district level according to requirements of the State Board of Education.
- (C) End of Course Projects must be retained for a minimum of 5 years from completion.
- (3) The Oklahoma State Board of Education has the authority to waive one or more of the requirements in (b)(1) of this section for an individual student if the Board determines that extenuating circumstances justify the waiver for an end of instruction exam.
- (4) Students who do not receive instruction in Oklahoma public schools may demonstrate mastery in required subjects by submitting documentation of proficiency on an equivalent state end-of-instruction exam(s) in the state in which instruction was received; attaining at least a satisfactory or proficient score (as defined by the Oklahoma State Board of Education) on the Oklahoma end-of-instruction exam(s); meeting the approved level of proficiency on an alternate test(s); demonstrating mastery through an End of Course Project(s) as described in (b)(1) and (b)(2) of this section.
- (5) Students who do not have an opportunity to take required end-of-instruction exams without extending the date of graduation may demonstrate mastery in required subject areas by meeting the approved level of proficiency on an alternate test(s) or an End of Course Project(s).
- (6) Students who have an Individualized Education Program (IEP) in accordance with the Individuals with Disabilities Education Act (IDEA) may demonstrate mastery of state academic content standards through a modified proficiency score on the state assessment(s) as established by the IEP Team. Any deviation from the standard conditions, accommodations, or proficiency score on the state assessment(s) must be established on the student's IEP, and shall be recorded on the student's cumulative record.
- (7) Each year beginning with the 2011-2012 school year, school districts shall report to the State Department of Education through the School District Reporting Site, by school site, the number of students issued standard diplomas based on the exceptions and exemptions outlined in these rules, including the categories of exceptions and exemptions granted.
- (c) Beginning with students entering the ninth grade in 2008-2009, in order to facilitate the monitoring of student progress toward meeting the graduation requirements of 70 O.S. § 1210.523, districts will maintain an Achieving Classroom Excellence (ACE) Demonstration of Mastery cumulative record for those students who do not attain at least a satisfactory

or proficient score on any of the required end-of-instruction exams. All school districts in the state shall use this cumulative record uniform document, or all information required on the uniform document must be contained within the district's student information system. The State Department of Education will provide an electronic version of this cumulative record to the districts. This cumulative record shall accompany the student when transferring to a new district. For each student who meets the graduation requirements, the student's transcript shall read, "The student has met the graduation requirement of demonstrating mastery in the state academic content standards."

(d) Any student who has been denied a standard diploma by the school district in which the student is or was enrolled for failing to meet the educational requirements of 70 O. S. § 1210.523 may appeal the denial to the State Board of Education. The petition for appeal must be filed in writing with the Secretary of the Board within thirty (30) days after the denial of a standard diploma, in a manner prescribed by the State Board of Education. For purposes of this section, a diploma will be deemed denied on the official date of the school district's graduation. The parent or guardian of a student under the age of eighteen (18) may file a petition for appeal on behalf of the minor student who has been denied a standard diploma. Any student over the age of eighteen (18) may directly file a petition for appeal with the State Board of Education. The petition for appeal must be signed by the student and/or parent or legal guardian of the student, and the school district's Superintendent or the Superintendent's designee verifying the information submitted in the appeal is accurate and correct. A petition for appeal may not be submitted by the school district in which the student was or is enrolled.

(1) Upon receipt of the petition for appeal, the Secretary of the Board shall acknowledge receipt of the request in writing and notify the student and/or parent or legal guardian when the appeal shall be submitted to the State Board of Education for action. All timely filed petitions for appeal shall be brought to the State Board of Education for action. The Board shall take action no later than forty-five (45) days after receiving the petition.

(2) The State Board of Education shall appoint a committee consisting of employees of the State Department of Education to review the appeal and identify the basis for which the standard diploma was denied. The committee shall make a recommendation of action on the appeal to the State Board of Education based on the following criteria:

- (A) Completion and scores of end-of-instruction (EOI) exams;
- (B) Remediation and retests of end-of-instruction (EOI) exams;
- (C) Completion and scores of Alternate tests approved by the State Board of Education;
- (D) Completion of End of Course Projects approved by the State Board of Education;
- (E) Completion or scores of alternative methods approved by the State Board of Education;

(F) The existence of an extenuating circumstance, as defined in section (a) of this rule;

(G) The availability of testing opportunities;

(H) Other methods identified by the student, which demonstrate mastery of state academic content standards, referenced in section (b) of this rule, not to include completion of the course;

(I) The exhaustion of reasonable alternative methods and exemptions and exceptions approved by the State Board of Education, including the existence of extenuating circumstances; and

(J) Whether action is appropriate based on the statutory language of 70 O. S. § 1210.523.

(3) Following review of the petition for appeal, the student or parent petitioner shall receive written notification as to the recommended action that will be presented to the State Board at least five (5) business days prior to the meeting of the State Board of Education in which the recommendation will be presented.

(4) The State Board of Education shall take action on a petition for appeal based on the merits of the written information provided in the appeal. The Board shall consider a petition for appeal in the form of a "Consent Docket," which shall be considered as one item. Prior to consideration, the Board shall receive a copy of each petition for appeal, a written explanation of the petition, copies of all evidence submitted to the Board, and additional information that may be necessary for the Board to take action.

(5) Any member of the Board may request that a petition for appeal be removed from the "Consent Docket" for discussion or to be separately considered. If such a request is made, the matter shall be removed from the docket and presented for separate consideration by the State Board of Education.

(6) The State Board of Education may, by a vote of the majority of members, remove a petition for appeal from the "Consent Docket" and schedule a hearing to consider the appeal if the Board determines the facts stated in the appeal do not enable it to make an effective or proper ruling. If the Board determines a hearing is necessary, the Secretary of the Board shall notify the student and/or parent or legal guardian in writing of time and place the hearing. If necessary to conduct a hearing, the student and/or parent or legal guardian may waive the forty-five (45) day time requirement set forth in 70 O. S. § 1210.523. Failure to do so may result in action by the State Board of Education without a hearing. All hearings conducted pursuant to this section will be governed and conducted in accordance with the Oklahoma Administrative Procedures Act, 75 O. S. § 309, *et seq.*

(7) If a hearing is determined to be appropriate pursuant to this section, the student and/or parent or guardian of the student shall orally present explanation of the petition, evidence submitted to the Board, and additional information that may be necessary for the Board to take action. The school district in which the student is or was enrolled shall have the opportunity to appear and present evidence at the appeal hearing before the State Board of

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Education. The determination of the State Board of Education shall be considered a final agency order.

(8) Petitions for appeal which are filed in an untimely, inaccurate, or incomplete manner shall be submitted to the State Board of Education with a recommendation for denial based on deficiency. Prior to submission to the State Board of Education, the petitioner shall be notified in writing of the deficiency in the appeal and provided five (5) business days from the receipt of written notification to resolve any deficiencies identified in the petition for appeal.

(9) Petitions for appeal which are filed in an untimely manner shall be submitted to the State Board of Education with a recommendation for denial based on untimeliness.

(e) The State Board of Education delegates authority to the reviewing committee appointed pursuant to section (d)(2) of

this rule to approve the petition for appeal of students who have provided evidence of certain extenuating circumstances designated by the Board, including acceptance into a selective college or university as defined by the Carnegie Foundation for the Advancement of Teaching.

(f) The State Board of Education shall collect data by school site and school district on the number of students petitioning for an appeal and the number of appeals approved by the Board pursuant to 70 O. S. § 1210.523. Information collected pursuant to state statute shall be made available to the district's Regional Accreditation Officer (RAO) during the accreditation process.

[OAR Docket #12-827; filed 6-26-12]

Permanent Final Adoptions

An agency may promulgate rules on a permanent basis upon "final adoption" of the proposed new, amended, or revoked rules. "Final adoption" occurs upon approval by the Governor and the Legislature, or upon enactment of a joint resolution of approval by the Legislature. Before proposed permanent rules can be reviewed and approved/disapproved by the Governor and the Legislature, the agency must provide the public an opportunity for input by publishing a Notice of Rulemaking Intent in the *Register*.

Permanent rules are effective ten days after publication in the *Register*, or on a later date specified by the agency in the preamble of the permanent rule document.

Permanent rules are published in the *Oklahoma Administrative Code*, along with a source note entry that references the *Register* publication of the permanent action.

For additional information on the permanent rulemaking process, see 75 O.S., Sections 303, 303.1, 303.2, 308 and 308.1.

TITLE 10. OKLAHOMA ACCOUNTANCY BOARD CHAPTER 15. LICENSURE AND REGULATION OF ACCOUNTANCY

[OAR Docket #12-808]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 23. Registration
10:15-23-2.1 [NEW]
Subchapter 25. Permits
10:15-25-4 [AMENDED]

AUTHORITY:

Oklahoma Accountancy Board, 59 O.S. Section 15.5.B.6

DATES:

Comment period:

December 1, 2011 through January 3, 2012

Public hearing:

January 5, 2012

Adoption:

January 27, 2012

Submitted to Governor:

February 3, 2012

Submitted to House:

February 3, 2012

Submitted to Senate:

February 3, 2012

Gubernatorial approval:

March 7, 2012

Legislative approval:

Approved May 22, 2012, by House Joint Resolution 1098

Final adoption:

May 22, 2012

Effective:

July 26, 2012

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

Subchapter 23. Registration
10:15-23-2.1 [NEW]
Subchapter 25. Permits
10:15-25-4 [AMENDED]

Gubernatorial approval:

October 28, 2011

Register publication:

29 Ok Reg 95

Docket number:

11-1049

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

10:15-23-2.1 [NEW] sets out qualification standards for non-CPA owners of public accounting firms as allowed by Title 59 O.S. Section 15.15A(F). 10:15-25-4 [AMENDED] changes the attestation clause a public accounting firm must submit in order to apply for a permit to practice. Per the new amended language, the individual signing would also attest that non-CPA owners of the firm are qualified individuals as set out in 10:15-23-2.1.

CONTACT PERSON:

Randall A. Ross, Executive Director, Oklahoma Accountancy Board, 201 N.W. 63rd Street, Oklahoma City, OK 73116, (405) 522-4464

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 26, 2012:

SUBCHAPTER 23. REGISTRATION

10:15-23-2.1. Non-CPA owners of public accounting firms or affiliated entities

(a) A firm which includes non-CPA owners may not qualify for a firm registration and permit unless every non-CPA owner of the firm:

- (1) is an individual;
- (2) is actively providing personal services in the nature of management of some portion of the firm's business interest or performing services for clients of the firm or an affiliated entity;
- (3) is of good character as defined in Section 15.9 of the Act;
- (4) is not a suspended or revoked CPA or PA;
- (5) who is a resident of Oklahoma is registered with the Board in the same manner as a CPA under Section 15.14 of the Oklahoma Accountancy Act on a form prescribed by the Board.

(b) Each of the non-CPA owners who are residents of Oklahoma must:

- (1) be in compliance with Oklahoma tax laws;
- (2) provide evidence of the successful completion (90% or better), within the past 365 days prior to initial registration, of the AICPA Ethics Examination or its equivalent as determined by the Board;
- (3) comply with the Rules of Professional Conduct as set out in 10:15-39-1;
- (4) hold a baccalaureate or graduate degree conferred by a college or university, or equivalent education as determined by the Board;
- (5) maintain any professional designation held by the individual in good standing with the appropriate organization or regulatory body that is identified or used in an advertisement, letterhead, business card, or other firm-related communication;

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(6) maintain continuing education in accordance with Section 10:15-32-1, provided credit shall be given for any other professional CPE or equivalent professional continuing education earned;

(7) submit to a national criminal history record check. The costs associated with the record check shall be paid by the non-CPA owner.

(c) A "Non-CPA Owner" includes any individual who has any financial interest in the firm or any voting rights in the firm.

SUBCHAPTER 25. PERMITS

10:15-25-4. Firm permits

(a) Each firm permit shall have a maximum term of one (1) year unless extended by the Board and shall expire on June 30 following the date of issuance.

(b) The application for renewal of a firm permit shall be filed with the Board in a format prescribed by the Board prior to the expiration of the permit currently held.

(c) Each firm with an office located in Oklahoma applying for a permit to practice as a certified public accountant firm or as a public accountant firm shall submit a written affidavit signed by an owner, partner, member or shareholder demonstrating compliance with the requirements set out in Section 15.15A of the Oklahoma Accountancy Act and attesting that each partner, shareholder, owner, member and certified or licensed employee of the firm serving Oklahoma clients holds a valid individual permit, ~~or~~ enters the state under the provisions of Section 15.12A of the Act, or is a non-CPA owner as provided for in 10:15-23-2.1.

(d) A firm is required to hold a valid permit if that firm is serving Oklahoma clients from outside this state only if such firm is providing services under the provision of Section 15.12A.A.5 of the Act.

(e) Each firm required to hold a permit shall pay the applicable fee.

[OAR Docket #12-808; filed 6-21-12]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 3. FINE MATRICES

[OAR Docket #12-810]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. Fine Schedules

Part 3. Animal health and Disease Violations

35:3-1-3. Biological products Violations [NEW]

AUTHORITY:

Article 6, Section 31, Constitution of the State of Oklahoma; Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 6-1 et seq.

DATES:

Comment period:

December 15, 2011 through January 17, 2012

Public hearing:

January 17, 2012

Adoption:

March 13, 2012

Submitted to Governor:

March 19, 2012

Submitted to House:

March 19, 2012

Submitted to Senate:

March 19, 2012

Gubernatorial approval:

May 1, 2012

Legislative approval:

Failure of the Legislature to disapprove the rules resulted in approval on May 16, 2012.

Final adoption:

May 16, 2012

Effective:

August 1, 2012

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

ANALYSIS:

The proposed rule changes establish a fine matrix for selling or offering for sale unregistered or expired biological products.

CONTACT PERSON:

Bennett Abbott, Assistant General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, Office of General Counsel, P.O. Box 528804, Oklahoma City, OK 73152-8804, phone: (405) 522-5803, email: bennett.abbott@ag.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF AUGUST 1, 2012:

SUBCHAPTER 1. FINE SCHEDULES

PART 3. ANIMAL HEALTH AND DISEASE VIOLATIONS

35:3-1-3.

Biological products violations

(a) After notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

(b) Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

(c) In no event shall this fine matrix limit the imposition of a different penalty when circumstances require.

(d) Selling or offering for sale unregistered biological products or expired biological products in violation of OAC 35:15-5-1.

(1) First Violation - \$100 to \$500

(2) Second Violation - \$250 to \$750

(3) Subsequent Violations - \$500 to \$10,000

[OAR Docket #12-810; filed 6-21-12]

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

[OAR Docket #12-814]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

35:13-1-1. [AMENDED]

35:13-1-2. [AMENDED]

AUTHORITY:

Article 6, Section 31, Constitution of the State of Oklahoma; State Board of Agriculture; 2 O.S. §§ 2-4, 2-18, 11-20 et seq.

DATES:

Comment period:

February 1, 2012 through March 2, 2012

Public hearing:

March 2, 2012

Adoption:

March 13, 2012

Submitted to Governor:

March 19, 2012

Submitted to House:

March 19, 2012

Submitted to Senate:

March 19, 2012

Gubernatorial approval:

May 1, 2012

Legislative approval:

Failure of the Legislature to disapprove the rules resulted in approval on May 16, 2012.

Final adoption:

May 16, 2012

Effective:

August 1, 2012

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

Incorporated standards:

27 CFR (2011 Rev), Part 19.661 et seq; with following exceptions (2011 Rev):

27 CFR 19.669

27 CFR 19.670

27 CFR 19.699

27 CFR 19.700

Incorporating rules:

32:13-1 -1 and 35:13-1-2

Availability:

See contact person below

ANALYSIS:

The proposed amendments incorporate the date for the most recent version of the Code of Federal Regulations for the Fuel Alcohol program.

CONTACT PERSON:

Bennett Abbott, Assistant General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, Office of General Counsel, P.O. Box 528804, Oklahoma City, OK 73152-8804, phone: (405) 522-5803, email: bennett.abbott@ag.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF AUGUST 1, 2012:

35:13-1-1. Incorporation by reference of federal distilled spirits for fuel use regulations

The Distilled Spirits for Fuel Use regulations found in Title 27 of the Code of Federal Regulations (CFR) (20102011 Revision), Part ~~19.901~~ 19.661 et seq. for the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of the deleted regulations specified in 35:13-1-2.

35:13-1-2. Deleted regulations

The following sections of the Code of Federal Regulations governing distilled spirits for fuel use of the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau incorporated by reference under 35:13-1-1 are deleted and are not rules of the Oklahoma Department of Agriculture, Food, and Forestry: 27 CFR §§~~19.905, 19.906, 19.955, 19.956, 19.957, 19.958, and 19.959~~ 19.669, 19.670, 19.699, and 19.700 (20102011 Revision).

[OAR Docket #12-814; filed 6-21-12]

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

[OAR Docket #12-811]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 5. Biological Products and Laboratories 35:15-5-1 [AMENDED]

AUTHORITY:

Article 6, Section 31, Constitution of the State of Oklahoma; Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 6-1 et seq.

DATES:

Comment period:

December 15, 2011 through January 17, 2012

Public hearing:

January 17, 2012

Adoption:

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March 19, 2012

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Gubernatorial approval:

May 1, 2012

Legislative approval:

Failure of the Legislature to disapprove the rules resulted in approval on May 16, 2012.

Final adoption:

May 16, 2012

Effective:

August 1, 2012

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

Permanent Final Adoptions

ANALYSIS:

The proposed rules will prohibit the sale of unregistered or expired biological products and benefit persons who rely on the safety and effectiveness of biological products that are purchased.

CONTACT PERSON:

Bennett Abbott, Assistant General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, Office of General Counsel, P.O. Box 528804, Oklahoma City, OK 73152-8804, phone: (405) 522-5803, email: bennett.abbott@ag.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF AUGUST 1, 2012:

SUBCHAPTER 5. BIOLOGICAL PRODUCTS AND LABORATORIES

35:15-5-1. Biological products

(a) No biological product, including antigens, used to immunize, test, or treat livestock or any other species of animals shall be manufactured, produced, transported, distributed, sold, or offered for sale, or possessed in Oklahoma unless the biological product has been licensed or permitted by and produced in an establishment licensed by the United States Veterinary Biologics Division of the United States Department of Agriculture, and approved by the Oklahoma Department of Agriculture, Food, and Forestry. Exemption: Autogenous vaccines and/or bacterins when prepared for use on individual premises or animals may be prepared in laboratories approved by the ~~Board of Agriculture~~ Department.

(b) John's (Paratuberculosis) vaccine is expressly prohibited in Oklahoma without prior approval of the Department. This approval may be obtained only after a written agreement is developed between the producer, attending veterinarian, and state regulatory officials. A plan of herd management, vaccination and any restrictions shall be a part of this agreement.

(c) Each biological product distributed, sold, offered for sale or used in Oklahoma or delivered for transportation or transported in intrastate or interstate commerce shall be registered with the Department on an annual basis.

(d) Each person registering biological products shall pay an annual registration fee of Two Hundred Dollars (\$200.00) for each biological product registered.

(1) The Department may require the submission of the complete formula of any biological product.

(2) Trade secrets and formulations submitted with the registration shall be kept confidential.

(e) If it appears to the ~~Board~~ Department that the composition of the biological product is adequate to warrant the proposed claims and if the biological product, its labeling, and other material required to be submitted comply with the requirements of this section, then the biological product shall be registered.

(f) ~~Registration~~ Additional registration of a biological product shall not be required in the case of a biological product

shipped from one location within Oklahoma to another location within Oklahoma so long as the location is operated by the same person.

(g) All biological product registrations shall expire on March 20 of each year but may be renewed by the Department. Any person who fails to renew a biological product by March 20 of each year shall pay a penalty of an additional Two Hundred Dollars (\$200.00).

(h) ~~It shall be a violation of these rules if the renewal application is not received by March 20. No person shall sell or offer for sale an unregistered biological product or an expired biological product.~~

(i) The term "Biological Product" shall mean all viruses, serums, toxins (excluding substances that are selectively toxic to microorganisms, including antibiotics), or analogous products at any stage of production, shipment, distribution, or sale, which are intended for use in the treatment of animals and which act primarily through the direct stimulation, supplementation, enhancement, or modulation of the immune system or immune response. The term biological products includes but is not limited to vaccines, bacterins, allergens, antibodies, antitoxins, toxoids, immunostimulants, certain cytokines, antigenic or immunizing components of live organisms, and diagnostic components that are of natural or synthetic origin, or that are derived from synthesizing or altering various substances or components of substances such as microorganisms, genes or genetic sequences, carbohydrates, proteins, antigens, allergens, or antibodies. The term shall not include any product identified and regulated as a pesticide by the Department.

(1) A product's intended use shall be determined through an objective standard and not a subjective one, and would be dependent on factors such as representations, claims (either oral or written), packaging, labeling, or appearance.

(2) The term analogous products shall include the following:

(A) Substances, at any stage of production, shipment, distribution, or sale, which are intended for use in the treatment of animals and which are similar in function to biological products in that they act, or are intended to act, through the stimulation, supplementation, enhancement, or modulation of the immune system or immune response;

(B) Substances, at any stage of production, shipment, distribution, or sale, which are intended for use in the treatment of animals through the detection or measurement of antigens, antibodies, nucleic acids, or immunity; or

(C) Substances, at any stage of production, shipment, distribution, or sale, which resemble or are represented as biological products intended for use in the treatment of animals through appearance, packaging, labeling, claims (either oral or written), representations, or through any other means.

(j) The term "unregistered biological product" shall mean a biological product that has not been registered with the Department or a biological product that has been previously registered with the Department but the registration has lapsed.

(k) The term "expired biological product" shall mean a biological product which exceeds the expiration date established by the manufacturer.

[OAR Docket #12-811; filed 6-21-12]

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

[OAR Docket #12-812]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:

- Subchapter 36. Scrapie
- 35:15-36-3 [AMENDED]
- Subchapter 45. Brucellosis in Cervidae
- Part 3. Rules Adopted From USDA Uniform Methods And Rules For Brucellosis In Cervidae
- 35:15-45-37 [REVOKED]
- 35:15-45-39 [AMENDED]

AUTHORITY:
Article 6, Section 31, Constitution of the State of Oklahoma; Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 6-1 et seq.

DATES:

Comment period:
January 17, 2012 through February 22, 2012

Public hearing:
February 22, 2012

Adoption:
March 13, 2012

Submitted to Governor:
March 19, 2012

Submitted to House:
March 19, 2012

Submitted to Senate:
March 19, 2012

Gubernatorial approval:
May 1, 2012

Legislative approval:
Failure of the Legislature to disapprove the rules resulted in approval on May 16, 2012.

Final adoption:
May 16, 2012

Effective:
August 1, 2012

SUPERSEDED EMERGENCY ACTIONS:
N/A

INCORPORATIONS BY REFERENCE:
N/A

ANALYSIS:
The proposed rule changes clarify the identification required for sheep and goats prior to the movement for sale or exhibition and removes certain brucellosis testing required on cervidae prior to intrastate movement or change of ownership.

CONTACT PERSON:
Bennett Abbott, Assistant General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, Office of General Counsel, P.O. Box 528804, Oklahoma City, OK 73152-8804, phone: (405) 522-5803, email: bennett.abbott@ag.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF AUGUST 1, 2012:

SUBCHAPTER 36. SCRAPIE

- 35:15-36-3. Requirements for identification**
All sheep and goats shall be ~~individually~~ officially identified prior to movement for sale or exhibition.
- (1) If moving to a livestock market, identification may be applied by the market before sale.
 - (2) The state veterinarian may grant a written exception for the official identification of wethers on an individual basis.

SUBCHAPTER 45. BRUCELLOSIS IN CERVIDAE

PART 3. RULES ADOPTED FROM USDA UNIFORM METHODS AND RULES FOR BRUCELLOSIS IN CERVIDAE

- 35:15-45-37. Testing requirements for change of ownership [REVOKED]**
- (a) ~~Animals originating from Certified Brucellosis Free cervid herds do not require testing for intrastate movement or change of ownership.~~
 - (b) ~~All sexually intact test eligible animals from Brucellosis Monitored cervid herds must test negative for brucellosis within 90 days prior to intrastate movement or change of ownership.~~
 - (c) ~~All other sexually intact test eligible animals and animals from herds of unknown status, must be tested for brucellosis within 30 days prior to intrastate movement or change of ownership.~~
 - (d) ~~Both the seller and the buyer will be equally and individually responsible for meeting the testing and/or vaccination requirements prior to all changes of ownership.~~
 - (e) ~~All test eligible animals will be blood sampled at slaughter and tested for brucellosis.~~

- 35:15-45-39. Identifying tested animals**
All animals tested ~~for intrastate movement or change of ownership~~ must be officially identified. All animals included in a herd blood test, or tests of monitored herds, must be officially identified at the time of blood collection.

[OAR Docket #12-812; filed 6-21-12]

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

[OAR Docket #12-816]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 42. Tuberculosis Eradication in Cervidae
Part 5. Herd Status Requirements

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35:15-42-51 [AMENDED]
Subchapter 44. Farmed Cervidae
35:15-44-4 [AMENDED]
35:15-44-6 [AMENDED]
Subchapter 45. Brucellosis in Cervidae
Part 13. Certified Brucellosis-Free Cervid Herds
35:15-45-132 [AMENDED]
Subchapter 47. Chronic Wasting Disease (CWD) in Cervids
Part 3. Herd Certification Standards
35:15-47-6 [AMENDED]

AUTHORITY:

Article 6, Section 31, Constitution of the State of Oklahoma; Oklahoma State Board of Agriculture; 2 O.S. §§ 2-4, 6-501 et seq.

DATES:

Comment period:

November 16, 2011 through December 20, 2011

Public hearing:

December 20, 2011

Adoption:

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Submitted to Governor:

February 16, 2012

Submitted to House:

February 16, 2012

Submitted to Senate:

February 16, 2012

Gubernatorial approval:

March 30, 2012

Legislative approval:

Failure of the Legislature to disapprove the rules resulted in approval on April 13, 2012.

Final adoption:

April 13, 2012

Effective:

August 1, 2012

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

ANALYSIS:

The proposed rule amendments revise the scheduling of recertification visits by the Department, revises the deadline to request a license, and expands the types of identification that may be provided by a recipient or consignee may provide to a licensee for the purchase of farmed cervidae.

CONTACT PERSON:

Bennett Abbott, Assistant General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, Office of General Counsel, P.O. Box 528804, Oklahoma City, OK 73152-8804, phone: (405) 522-5803, email: bennett.abbott@ag.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF AUGUST 1, 2012:

SUBCHAPTER 42. TUBERCULOSIS ERADICATION IN CERVIDAE

PART 5. HERD STATUS REQUIREMENTS

35:15-42-51. Minimum standards for accreditation and reaccreditation for Cervidae herds

(a) **Animals to be tested.** Testing of herds for accreditation ~~of or~~ reaccreditation shall include all Cervidae ~~and all other hoof stock over~~ twelve (12) months of age ~~and animals under~~

~~twelve (12) months of age that are not natural additions or older.~~

(b) **Qualifying standards.** To meet the requirements for accredited herd status, the herd must pass at least two consecutive negative official tests for tuberculosis conducted at not less than nine (9) nor more than fifteen (15) month intervals with no evidence of bovine tuberculosis disclosed. ~~Herds meeting these standards shall be issued a certificate by the local, state and federal officials.~~

(c) **Additions.** Herd additions must originate directly from one of the following sources and have no exposure to cervids from herds of lesser status than the additions' herd of origin:

(1) An accredited herd, (or)

(2) A qualified or monitored herd provided that the individual animals for addition are negative to an official tuberculosis test conducted not more than ninety (90) days prior to entry and isolated from members of the accredited herd until negative to an official tuberculosis test conducted not less than ninety (90) days following entry, (or)

(3) Individual animals for additions from herds not meeting the requirements listed above must be isolated from all other members of the herd of origin and must pass two (2) negative official tests for tuberculosis conducted at least ninety (90) days apart, with the second test conducted within ninety (90) days prior to movement to the premises of the accredited herd. ~~These additions shall be kept in isolation from members of the accredited herd until they are negative to an official tuberculosis test conducted not less than ninety (90) days following the date of entry. Animals from accredited, qualified, or monitored herds shall not receive accredited status for sale or movement purposes until they are negative on a retest ninety (90) days after entry.~~

(d) **Reaccreditation.** To qualify for reaccreditation, the herd must pass a test within ~~a period of not less than thirty three (33) nor more than thirty nine (39) months of the anniversary date~~ dates specified by the Department. The accreditation period will be thirty-six (36) months from the anniversary date.

SUBCHAPTER 44. FARMED CERVIDAE

35:15-44-4. Renewals

(a) Any licensee obtaining a new license issued after January 1 in any calendar year, but prior to June 30, shall be issued a license for the next licensing year.

(b) All inventory information shall be submitted with the renewal application.

(1) The Department may, on a case by case basis, approve a different date for submission of the renewal application.

(2) A licensee may request a different date in writing from the Department no later than ~~February 1 of the~~ March 15, and shall provide justification for using a date other than ~~February 15~~ April 1.

(c) Any renewal application postmarked after the renewal date shall be subject to an administrative penalty in addition

to the renewal fee, and the late application shall be deemed a violation of the Oklahoma Farmed Cervidae Act.

(d) If an applicant is denied a farmed cervidae license, the Department shall notify the applicant in writing by certified mail, return receipt requested, of the denial. The denial shall include the following:

- (1) Reasons for the denial;
- (2) Steps necessary to meet the requirements for a license, if applicable; and
- (3) The opportunity to request an administrative hearing on the denial.

35:15-44-6. Record keeping

The following records shall be maintained at the facility:

- (1) Records of all cervidae bought, sold, killed, given away, transported, or shipped, and shall include but not be limited to all natural additions and natural losses.
- (2) The name, telephone numbers and address of any recipient or consignee and the date of any transaction. ~~The For intrastate transactions, the licensee shall confirm that the recipient or consignee holds either a valid Oklahoma farmed cervidae license or valid commercial hunting area license, and the animals are officially identified prior to the transaction.~~
- (3) Official sales reports shall be made available upon request by an authorized agent of the Board.
- (4) Proof that the purchased cervidae are from a ~~current license currently licensed~~ farmed cervidae facility or other legal source and are identified ~~by official identification~~ prior to addition to the herd.

SUBCHAPTER 45. BRUCELLOSIS IN CERVIDAE

PART 13. CERTIFIED BRUCELLOSIS-FREE CERVID HERDS

35:15-45-132. Conditions

- (a) A herd is certified for thirty-six (36) months from the date of the initial certification or recertification by the Department.
- (b) ~~For continuous certification recertification, all test eligible animals twelve (12) months of age or older in the herd shall have a negative test for brucellosis between thirty three (33) and thirty nine (39) months after the last certification date dates specified by the Department.~~ If suspects or reactors are found on recertification testing, certification status shall be terminated and a herd investigation initiated.
- (~~e~~) ~~Test eligible animals originating in a Certified Brucellosis Free cervid herd and moving into a Certified Brucellosis Free cervid herd not tested prior to movement shall be tested between sixty (60) and one hundred eighty (180) days after addition to the certified herd.~~
- (~~d~~c) Animals purchased from cervid herds not Certified Brucellosis-Free shall not be considered part of the certified herd until ~~three (3) two (2)~~ blood tests have been conducted.

The first test shall occur within thirty (30) days prior to movement from the herd of origin; and the second test between sixty (60) and one hundred eighty (180) days after addition to the Certified Brucellosis-Free cervid herd, ~~and the third test as a part of the next complete herd blood test for recertification following the second test.~~

(~~e~~d) If a herd consists of both cattle and Cervidae, the requirements for herd certification shall be consistent with those for cattle as described in 35:15-17-64 through 35:15-17-66.

(~~f~~) ~~The State animal health official and the APHIS AVIC may issue a Certified Brucellosis Free cervid herd certificate when the herd first qualifies. For recertification, the State animal health official may issue a renewal form approved by the APHIS AVIC.~~

SUBCHAPTER 47. CHRONIC WASTING DISEASE (CWD) IN CERVIDS

PART 3. HERD CERTIFICATION STANDARDS

35:15-47-6. Minimum requirements for herd certification

- (a) Herd owners shall have perimeter fencing adequate to confine their cervidae and prevent access by other cervidae.
- (b) Herd owners shall ~~perform~~ ensure that CWD surveillance testing of is performed on all deaths occurring in cervidae over sixteen (16) months of age. The State Veterinarian may approve exemptions from this requirement on a case by case basis or if exceptionally high mortality rates occur.
- (c) Herd owners shall maintain the highest quality sampling for use in the surveillance testing. The State Veterinarian may adjust the surveillance levels and may adjust, suspend, or revoke herd status if poor quality samples are routinely submitted from a premise.
- (d) An accredited veterinarian or state or federal animal health official shall perform an annual verification of the herd inventory between dates specified by the Department. The annual verification shall include:
 - (1) A verification of the identity of all cervidae listed on the herd inventory;
 - (2) Specific information on the disposition of each cervid no longer with the herd;
 - (3) The origin of each herd addition since the last herd inventory;
 - (4) Information on any cervidae subgroups within the herd; and
 - (5) Detail of all management including movement between the subgroups for the purpose of assessing risk to other cervidae on the premises in the event a CWD positive cervid is diagnosed.
- (e) Herd owners shall report all cervidae deaths within forty-eight (48) hours and maintain documentation on any cervidae movement.
- (f) Each cervid twelve (12) months of age or older and all purchased additions shall have at least two (2) identifiers forms of permanent identification that may include an official ear tag

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~~or any other visible and permanent identification device approved by the Board. At least one of the two (2) forms of identification shall be USDA approved official identification.~~

(g) The initial herd inventory shall contain a Global Positioning System (GPS) or legal description of the premises and shall include a detailed description of the physical facilities, including fences, gates, and structures.

(h) Herd status.

(1) The status of each herd shall be based on the number of years the herd has been enrolled in the CWD herd certification program and shown no evidence of CWD.

(2) If cervidae from a herd of lower status are added to another herd, the receiving herd's status shall revert to the same status as the herd from which the cervidae were acquired.

(3) If a cervid is added from a herd that is not in the CWD herd certification program, the receiving herd shall lose its herd status and return to the beginning of the herd certification process.

(i) Diagnosis of CWD shall be determined by testing a post-mortem brain at a CWD certified laboratory. Any positive diagnosis at a laboratory shall be confirmed by the National Veterinary Services Laboratory (NVSL) or other CWD certified laboratory.

(j) The Board shall issue a quarantine on any herd that contained a CWD positive cervid. The quarantined herd shall not participate in the herd certification program until all herd plan requirements are completed.

(k) Herd owners shall maintain a minimum of thirty (30) feet of separation at all times between a certified herd and any non-certified confined herd.

[OAR Docket #12-816; filed 6-21-12]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 17. WATER QUALITY

[OAR Docket #12-813]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 5. Registered Poultry Feeding Operations

35:17-5-11 [AMENDED]

Subchapter 7. Poultry Waste Applicators Certification

35:17-7-8 [AMENDED]

AUTHORITY:

Article 6, Section 31, Constitution of the State of Oklahoma; and State Board of Agriculture; 2 O.S. §§ 2-4, 10-9 et seq.

DATES:

Comment period:

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Submitted to Senate:

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Failure of the Legislature to disapprove the rules resulted in approval on May 18, 2012.

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May 18, 2012

Effective:

August 1, 2012

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

ANALYSIS:

The proposed amendments incorporate changes to education requirements of operators of poultry feeding operations and poultry waste applicators. The proposed amendments are necessary to make the Department's rules consistent with the changes to 2 O.S. § 10-9.5 as modified by SB 92 and effective on January 1, 2012.

CONTACT PERSON:

Bennett Abbott, Assistant General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, Office of General Counsel, P.O. Box 528804, Oklahoma City, OK 73152-8804, phone: (405) 522-5803, email: bennett.abbott@ag.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF AUGUST 1, 2012:

SUBCHAPTER 5. REGISTERED POULTRY FEEDING OPERATIONS

35:17-5-11. Education

(a) All operators of poultry feeding operations shall attend educational courses on poultry waste handling provided by the Oklahoma Cooperative Extension Service.

(b) All operators shall obtain ~~no less than an initial~~ an initial nine (9) hours of education in the first year and ~~no less than three (3) hours each year thereafter~~ two hours of continuing education every year until the operator has received a total of nineteen (19) hours of training. Any operator may attend more hours than are required, however, those hours shall not be carried forward. Upon receiving the nineteen (19) required hours, the operator will graduate from the program but shall be required to receive two (2) hours of continuing education every three (3) years.

(c) The Oklahoma Cooperative Extension Service shall develop the educational training course to aid in certification.

(1) Curricula for the training course shall include the Oklahoma Cooperative Extension Service Waste Management Facts series and record books or their current equivalent.

(2) Courses for poultry waste management shall include the following topics:

(A) Environmental process relevant to protecting water quality in poultry production;

(B) Basic handling systems to manage poultry waste from all types of poultry operations;

- (C) Nutrient management, including sampling procedures, application rate determination, equipment calibration, and record keeping systems;
 - (D) Relevant laws and rules applicable to poultry waste management in the State of Oklahoma; and
 - (E) Any other related subject as determined by Oklahoma Cooperative Extension Service in consultation with the Department.
- (d) At the completion of each course, the operator shall receive a certification verifying completion. The certificates shall be kept on site for five (5) years.
- (e) Failure to obtain the prerequisite and annual training and education as provided in this subsection shall be deemed a violation of the Oklahoma Registered Poultry Feeding Operations Act.
- (f) No integrator shall enter into any contract with an operator of a poultry feeding operation who is not in compliance with the education requirements of this section.
- ~~(g) An operator may carry forward up to three (3) education hours to the next calendar year.~~
- ~~(hg) All operators shall obtain the required education no later than December 31st of each calendar year.~~
- ~~(ih) Oklahoma Cooperative Extension Service education courses previously taken by an operator pursuant to rules promulgated by the State Board of Agriculture for Commercial Poultry Operations shall count towards the mandatory education requirements contained in the Oklahoma Registered Poultry Feeding Operations Act.~~

SUBCHAPTER 7. POULTRY WASTE APPLICATORS CERTIFICATION

35:17-7-8. Education requirements

- (a) All certified poultry waste applicators shall attend educational courses on poultry waste handling provided by Oklahoma Cooperative Extension Service.
- (b) All poultry waste applicators shall obtain no less than an initial nine (9) hours of education in the first year and no less than three (3) hours each year thereafter two hours of continuing education every year until the applicator has received a total of nineteen (19) hours of training. Any applicator may attend more hours than are required, however, those hours shall not be carried forward. Upon receiving the nineteen (19) required hours, the applicator will graduate from the program but shall be required to receive two (2) hours of continuing education every three (3) years.
- (c) The Oklahoma Cooperative Extension Service shall develop the educational training course to aid in certification.
- (1) Curricula for the training course shall include the Oklahoma Cooperative Extension Service Waste Management Facts series and record books or their current equivalent.
 - (2) Courses for poultry waste management shall include the following topics:
 - (A) Environmental process relevant to protecting water quality in poultry production;

- (B) Basic handling systems to manage poultry waste from all types of poultry operations;
 - (C) Nutrient management, including sampling procedures, application rate determination, equipment calibration, and record keeping systems;
 - (D) Relevant laws and rules applicable to poultry waste management in the State of Oklahoma; and
 - (E) Any other related subject as determined by Oklahoma Cooperative Extension Service in consultation with the Department.
- (d) At the completion of each course, the certified poultry waste applicator shall receive a certification verifying completion. The certificates shall be kept on site for five (5) years.
- (e) Failure to obtain the prerequisite and annual training and education as provided in this subsection shall be deemed a violation of the Oklahoma Poultry Waste Applicators Certification Act.
- ~~(f) An operator may carry forward up to three (3) education hours to the next calendar year.~~
- ~~(gf) All operators applicators shall obtain the required education no later than December 31st of each calendar year.~~
- ~~(hg) Any certified poultry waste applicator who has completed education requirements of the Oklahoma Registered Poultry Feeding Operations Act shall be deemed to be in compliance with the education requirements of this section.~~

[OAR Docket #12-813; filed 6-21-12]

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

[OAR Docket #12-825]

RULEMAKING ACTION:

PERMANENT final adoption.

RULES:

- Subchapter 1. General Provisions
- 92:10-1-2 [AMENDED]
- 92:10-1-5 [AMENDED]
- 92:10-1-8 [AMENDED]

AUTHORITY:

3A O.S.Supp.2008, § 603; Oklahoma State Athletic Commission

DATES:

Comment Period:

February 1, 2012, to March 7, 2012

Public Hearing:

March 7, 2012

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March 7, 2012

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April 27, 2012

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Failure of the Legislature to disapprove the rules resulted in approval on May 15, 2012.

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Permanent Final Adoptions

Effective:

July 27, 2012

SUPERSEDED EMERGENCY RULES:

n/a

INCORPORATION BY REFERENCE:

n/a

ANALYSIS:

The rules modify definitions to accord with the Commission's enabling act. The rules also provide a deadline for submission of bout cards, clarify the prohibition against mixed-gender competition and clarify circumstances under which the Commission can impose administrative penalties and otherwise contain clean-up language.

CONTACT PERSON:

Aleta Billings, Oklahoma State Athletic Commission, 1000 NE 10th st. Rm., 1213, Oklahoma City, OK 73117; Tel. 405-271-1695.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 27, 2012:

SUBCHAPTER 1. GENERAL PROVISION

92:10-1-2. Definitions

The definitions found at 3A O.S. § 602 shall apply to this Chapter. The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma State Athletic Commission Act, 3A O.S. §§ 601 et seq.

"Administrator" means the administrator of Oklahoma State Athletic Commission licensing representing the "Oklahoma State Athletic Commission.

"Amateur Mixed Martial Artist" means a person Eighteen (18) years of age or older who has never received or competed for any purse or other thing of value either for the expenses of training therefor or for participating in any combative sport contest or professional exhibition which exceeds in monies or other things of value a sum to be determined by the Oklahoma State Athletic Commission.

"Amateur Mixed Martial Arts" means any form of competitive pugilistic contest in which the participants have never been licensed as a professional in any combative sport and blows are delivered with any part of the hands, feet, or knees, and multiple combative disciplines are used to include grappling.

"Announcer" means a person responsible for announcing the names of the officials, the participants, their correct weight, the decisions of the referee and judges during an event.

"Commission" means the Oklahoma State Athletic Commission or its designee, including the Administrator.

"Down" means when any part of a participant's body, except the participants' feet, touches the ring floor or when the participant is hanging helplessly over the ropes as a result of a legal blow as ruled by the referee.

"Drug" means a controlled substance.

"Elimination Tournament" means a bout in which the participants lack training in boxing skills. Such participants

shall engage in the use of boxing techniques using fists only where the objective is to win by decision, knockout (KO) or technical knockout (TKO).

"Event" means "contest" or "exhibition" including a match, bout, contest, show, or tournament where sparring, boxing, kickboxing, wrestling, elimination tournaments and the mixed martial arts, takes place.

"Inspector" means a person who is employed by the Commission to assist the Administrator as directed by the Commission or the Administrator. The Inspector shall have the same powers as the Administrator in his/her absence.

"Judge" means an individual, other than a referee, who shall have a vote in determining the winner of an event.

"Mandatory 8 count" means a required count of eight (8) that is given by a referee to a participant who has been knocked down.

"Matchmaker" means an individual who brings together participants or arranges events.

"Mixed Martial Arts" means unarmed combat involving the use, subject to any applicable limitations set forth in this chapter, of combinations of techniques from different disciplines of boxing, kickboxing, wrestling, and the martial arts, including, without limitation, grappling, kicking and striking.

"No Decision" means boxing or sparring where a decision is not rendered.

"Official" means referees, judges, matchmakers, managers, second(s), announcers, timekeepers and physicians involved in events.

"Participant" means a person who ~~takes part~~ ~~competes or spars~~ in an event.

"Person" means any individual, partnership, limited liability company, club, association, corporation or trust.

"Promoter" means any person who produces or stages events and shall include any officer, director, or employees as defined by the Commission.

"Referee" means the person in charge of enforcing these rules during an event.

"Ring Official" means any individual who performs an official function during the progress of an event including but not limited to timekeepers, judges, referees, and attending physicians.

"Second" means any person aiding, assisting, or advising a participant during a boxing, kickboxing, elimination tournament, or mixed martial arts event or exhibition.

"Timekeeper" means a person responsible for keeping accurate time during each event and also responsible for the knockdown count for boxing, kickboxing, elimination tournaments, and mixed martial arts event or exhibition.

"Vendor" means a person who participates in the conduct of an event by offering for sale food or merchandise, including but not limited to, wearing apparel, alcoholic and nonalcoholic beverages, souvenirs and programs.

"Wrestling" means any form of fighting or combat between two or more participants where such participants deliver blows to an opponent's body, execute throws to an opponent's body, or apply holds to the opponent's body, except boxing and kickboxing.

92:10-1-5. Sanctioning permits

- (a) Every professional combative sports event and amateur mixed martial arts event must be sanctioned by the Commission.
- (b) The promoter shall obtain a separate sanctioning permit for each event from the Commission before each event. The request for the sanctioning permit, ~~and~~ fee and bout card must be received by the Commission no later than 4 working days prior to the event.
- (c) The Commission will not approve sanctioning permits between human participants and non-humans or between males and females. A male participant is a person of the heterogametic sex born with XY chromosomes. A female participant is a person born of the homogametic sex with XX chromosomes.
- (d) The fee for sanctioning an event for boxing, kickboxing, or wrestling shall be \$25.00.
- (e) No licensed promoter, official or participant shall serve in any capacity at events for which the Commission has denied a sanctioning permit.
- (f) The notice of sanction issued by the Commission shall comply with the requirements of the Act.

92:10-1-8. Disciplinary action

- (a) The Commission may take disciplinary action against:
 - (1) any licensee who violates any provision of the Act or any rule or order of the Commission;
 - (2) any licensee who fails to follow the instructions of a Commission representative at a sanctioned event;
 - (3) any licensee who engages in unsportsmanlike conduct including but not limited to the use of foul and abusive language or mannerisms;
 - (4) any participant in a contest who fails to strive earnestly in good faith to win or who commits flagrant or repeated fouls;
 - (5) licensees who engage in conduct at any time or place or in any manner that is deemed by the Commission to reflect discredit to combative sports; or
 - (6) licensees who are convicted or plead guilty or nolo contendere to a felony or to a crime of moral turpitude.
- (b) Disciplinary action by the Commission may include immediate suspension pending a hearing, suspension for a definite term, conditional suspension, fines, and/or revocation. Disciplinary action shall be taken by the Commission as provided in Chapter 1 of this Title, and pursuant to the provisions of the Administrative Procedures Act, 75 O.S. §§ 250 et seq.

[OAR Docket #12-825; filed 6-25-12]

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

[OAR Docket #12-800]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

- Subchapter 5. General District Provisions and Additional Zoning Regulations
- Part 5. Special Uses
- 120:10-5-25 [AMENDED]
- Subchapter 15. Signage Regulations
- 120:10-15-16 [NEW]

AUTHORITY:

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

DATES:

February 15, 2012 to March 16, 2012

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July 26, 2012

SUPERSEDED EMERGENCY ACTION:

N/A

INCORPORATIONS BY REFERENCE:

N/A

ANALYSIS:

The 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 signage regulation is exclusive to the Oklahoma Health Center. The 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.

CONTACT PERSON:

Denise Martin, Administrative Officer, (405) 521-3679, Capitol-Medical Center Improvement and Zoning Commission, 2401 N. Lincoln Boulevard, Suite 212, Oklahoma City, Oklahoma 73105.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 73 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 26, 2012:

SUBCHAPTER 5. GENERAL DISTRICT PROVISIONS AND ADDITIONAL ZONING REGULATIONS

PART 5. SPECIAL USES

120:10-5-25. Reasonable accommodation permit

(a) **Purpose.** The purpose of this section is to provide a process to allow a conditional use, through a reasonable accommodation permit ("RAP"), by which a halfway house owner or operator may seek from the Commission an accommodation; or, exception to the Commission's rules, policies, practices, or services when such accommodation may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. A reasonable accommodation may be approved only for the benefit of one or more individuals with a disability as defined in The Americans with Disabilities Act. Any person who owns, manages, or operates a halfway house for disabled persons and seeks to operate such a facility in a residential district or in an area where residential uses are provided for in specific Master Plan districts, shall obtain a RAP from the Commission. No person shall operate a halfway house without first having obtained such a permit.

(b) **Application contents.** An application for a RAP in a residential district or in an area where residential uses are provided for in specific plan districts shall be in writing on forms provided by the Commission. The applicant shall show the location and intended use of the site, the names of all property owners, the existing land uses within 300 feet, and any other materials pertinent to the request the Commission may require.

(c) **Notice and public hearing.** The Commission shall hold one or more public hearings on the application. The Commission shall mail written notice to the applicant and affected property owners at least 10 days prior to the hearing. The contents of the written notice of public hearing shall contain:

- (1) a description of the location of the project site and the purpose of the hearing;
- (2) a statement of the time, place and purpose of the public hearing; and,
- (3) a statement that any interested person or authorized agent may appear and be heard.

(d) **Public hearing.** The Commission shall hear testimony of Commission staff and the applicant, if present. At a public hearing, the testimony of any other interested person shall also be heard. A public hearing may be continued without additional notice.

(e) **Criteria.** The Commission shall consider the following criteria before approving or conditionally approving an application for a RAP in a residential district or in an area where residential uses are provided for in specific Master Plan districts. The Commission shall determine:

- (1) if the requested accommodation would require a fundamental alteration in the nature of the Commission's zoning program;
- (2) if the use will be compatible with the character of the surrounding neighborhood; and,

(3) if the addition or continued maintenance of the use will not contribute to changing the residential character of the neighborhood, such as creating an over-concentration of halfway houses in the vicinity of the proposed use.

(f) **Alternative accommodations.** Upon review of the criteria required in (e) of this section, the Commission may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant, when:

(1) The requested accommodation is requested by or on behalf of one or more individuals with a disability protected under the fair housing laws.

(2) The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

(3) The absence of the accommodation may deny the individual or individuals with a disability an equal opportunity to enjoy the housing type of their choice.

(4) The requested accommodation will not result in a fundamental alteration in the nature of the Commission's zoning program, as "fundamental alteration" is defined in fair housing laws and interpretive case law.

(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

(6) In the case of a halfway house, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

(g) **Fundamental alteration of zoning program.** The Commission shall have forty-five (45) days from receipt of an application for a RAP to conduct its investigation to assist the Commission in making the determination whether the requested RAP would require a fundamental alteration in the nature of the Commission's zoning program. The Commission may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the Commission's zoning program:

(1) Whether granting the requested accommodation would substantially undermine any express purpose of the Commission's Master Plan.

(2) Whether the use conforms to all applicable provisions of the Commission's statutes, rules, and regulations.

(3) Whether the property and existing structures are physically suited to accommodate the use.

(4) Whether the requested accommodation would fundamentally alter the character of the neighborhood.

(5) Whether the use will be compatible with the character of the surrounding neighborhood, and the addition or continued maintenance of the use will not contribute to changing the residential character of the neighborhood, such as creating an overconcentration of halfway houses in the vicinity of the proposed use.

(6) The existence of substandard physical characteristics of the area in which the use is located such as lot widths, setbacks, narrow streets, limited available parking,

short blocks, and other substandard characteristics which may occur within the District.

(7) Whether arrangements for delivery of goods are made within the hours that are compatible with and will not adversely affect the peace and quiet of neighboring properties.

(8) Whether arrangements for commercial trash collection in excess of usual residential collection are made within hours that are compatible with and will not adversely affect the peace and quiet of neighboring properties.

(9) Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

(10) Whether the facility includes sufficient on-site parking for the use, and traffic and transportation impacts have been mitigated to a level of insignificance.

(11) Whether the operation of buses and vans to transport residents to and from off-site activities does not generate vehicular traffic substantially greater than that normally generated by residential activities in the surrounding area.

(12) The proximity of the use location to schools, child care facilities, parks, other halfway houses, outlets for alcoholic beverages and any other uses which could be affected by or affect the operation of the subject use;

(13) In the case of a halfway house, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

(h) **Operational Standards.**

(1) The property shall be operated in compliance with the Commission's rules and regulations and all applicable state and local laws, in addition to the management and operating plan and rules of conduct submitted as part of the RAP application or, as set forth in the conditions of approval for the RAP. All buildings shall be maintained in compliance with building maintenance and safety codes for residential property. Each ~~such~~ plan shall provide a phone number ~~at which~~ where the operator ~~may~~ can be contacted at all times.

(2) The following standards apply to uses granted a RAP pursuant to these rules:

(A) Halfway houses shall not be located within 1,000 feet measured from the property lines, in the direction of any other existing halfway houses; however, the Commission shall retain the discretion to apply any degree of separation of uses which it deems appropriate in any given case.

(B) There shall be no more than two residents per bedroom, ~~plus one additional resident.~~ Any residence manager residing on the premises shall be provided with a separate bedroom or living quarters. Notwithstanding, upon request by the applicant for additional occupancy, the Commission has discretion to set occupancy limits based upon the evidence provided by the applicant that additional occupancy is appropriate at the site. In determining whether to set a different occupancy limit, the Commission shall consider the

characteristics of the structure, whether there will be an impact on traffic and parking and whether the public health, safety, peace, comfort, or welfare of persons residing in the facility or adjacent to the facility will be affected.

(C) Any halfway house use shall only be carried out in the main dwelling. No servant's quarters, garage apartment or accessory living unit shall be used for housing residents in the program. However, accessory living units may be used to provide living quarters for a residence manager. The Commission shall retain the discretion to grant exceptions to this subparagraph upon application by a halfway house owner or operator.

(D) Only rooms designed and intended for use as sleeping quarter may be used to house residents in the halfway house. No room in the main dwelling shall be converted to increase occupancy for this use. Any room used for the purposes of sleeping quarters must meet HUD standards.

(i) **Expiration, violation, discontinuance, and revocation of RAPs.**

(1) **Expiration.** Any RAP approved in accordance with these rules shall expire within 24 months from the effective date of approval or at an alternative time specified as a condition of approval unless:

- (A) A building permit has been issued and construction has commenced;
- (B) A certificate of occupancy has been issued;
- (C) The use is established; or,
- (D) A time extension has been granted.

(2) **Violation of Terms.** Any RAP approved in accordance with these rules may be revoked if any of the conditions or terms of ~~such~~ the reasonable accommodation are violated, or if any law or rule or regulation is violated in connection herewith.

(3) **Discontinuance.** A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for 180 consecutive days.

(A) If the persons initially occupying a residence vacate, the reasonable accommodation shall remain in effect only if the Commission determines that:

- (i) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the Zoning Code, and
- (ii) the accommodation is necessary to give other disabled individuals an equal opportunity to enjoy the dwelling.

(B) The Commission may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within 10 days of the date of the Commission's request shall constitute grounds for discontinuance by the Commission of a previously approved RAP.

(j) **Revocation of RAPs.**

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- (1) **Duties of the Commission.** Upon determination by the Commission that there are reasonable grounds for revocation of a RAP, a revocation hearing shall be set by the Commission.
- (2) **Notice and public hearing.** Notice shall be given in the same manner required for a public hearing to consider approval. Notice shall be mailed to the applicant at least 10 days prior to the hearing.
- (3) **Contents of Notice.** The notice of public hearing shall contain:
 - (A) A description of the location of the project site and the purpose of the hearing;
 - (B) A statement of the time, place, and purpose of the public hearing;
 - (C) A statement that any interested person or authorized agent may appear and be heard.
- (4) **Hearing.** The Commission shall hear testimony of Commission staff and the applicant, if present. At a public hearing, the testimony of any other interested person shall also be heard. A public hearing may be continued without additional notice.
- (5) **Required findings.** The Commission shall revoke the permit upon making one or more of the following findings:
 - (A) That the permit was issued on the basis of erroneous or misleading information or misrepresentation;
 - (B) That the applicant has made a false or misleading statement of a material fact or an omission of a material fact in the application for the permit.
 - (C) That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated;
 - (D) That there has been a discontinuance of the exercise or the entitlement granted by the permit for 180 consecutive days.
- (6) **Decision and notice.** Within 10 days of the conclusion of the hearing, the Commission shall render a decision and shall mail notice of the decision to the applicant.
- (7) **Effective date.** The decision to revoke a RAP shall become final 10 days after the date of the decision, unless appealed to the district court.
- (8) **Rights of appeal.** Appeals to the district court shall be as prescribed by 73 O.S. § 83.9.

SUBCHAPTER 15. SIGNAGE REGULATIONS

120:10-15-16. Provisions for Oklahoma Health Center Signage

(a) The high density and intensity of the Oklahoma Health Center and the recommendations of the OHC Master plan for a future development focus on construction of larger more prominent structures with parking garages. The potential for an increase in the campus population and higher concentration of structures within the confines of the subdistrict creates a need to specify certain types of signage for the Health Center Sub-district. Signage design standards should be aesthetically

compatible to building materials, appropriate to landscaping and non-impacting to pedestrian connections. Logos and other identification themes related to specific entities should be considered in the design of all identification and on site directional signage. To assist motorist traveling along the street in locating their destination placement, height, visibility and readable signage text are important considerations. The use of a graphic system including directional and wayfinding signage is essential in identifying destinations from distant locations such as major thoroughfares, intersections, parkways or gateways. In designing signage factors such as size, location, color, existing landscape/streetscape and maneuvering around necessary obstructions such as configuration of streets, existing structures, lighting, traffic and other government approved safety/warning signals should also be addressed. No sign shall be installed in any location that impedes vehicular traffic or interrupts pedestrian movement. These regulations will address signage issues specific to the Oklahoma Health Center and only applicable in the Health Center District (HC), Health Center Commercial District (CHC), and the Mixed Use Overlay Zoning District, Health Center Commercial (MXD-1).

(b) All signage installed in the "HC" zoning districts shall be in compliance with all other applicable Sections of this Chapter. The location, installation, and number of signs permitted must be in compliance with this Subchapter. Any sign not defined but permissible in the zoning district and defined in Subchapter 15 of this Chapter may be permitted in the HC zoning districts.

(c) **Definitions.** The following signage definitions apply only to the zoning districts listed in 120:10-15-16 (a) of this Subsection:

(1) "Light pole banner sign" means a rectangular substrate sign suspended from brackets mounted on a permanent decorative light pole designed to be used as a directional/locator sign, form of temporary advertising display, or to identify a neighborhood association or other district organizations. This type sign is only permitted in off-street parking lots. The Commission shall determine the number permitted based on the location and size of the lot and the off-street parking lot lighting standards of the City of Oklahoma City.

(2) "Building mounted identification signage" means letters and/or logos that identify the facility that are also defined as the sign face area. The overall dimension of the sign face area shall be measured vertically at the highest point of the tallest character or logo and horizontally at the longest line of text. Building mounted signs shall cover no more than 25% of building wall or building section on which it is installed.

(3) "Campus/Complex directional signage system" means a system of large usually post mounted 2-sided signs strategically placed in the most visible locations within the street right-of-way containing a message system that directs, locates, and identifies a unified complex of buildings, structures, and functions. Signage may be lit from an internal source or indirectly lit.

(4) "Decorative, insignia, and flags means" flags, emblems, and insignias of the United States, the State, and municipal and other bodies of established government, or flags which display the recognized symbol of a school, nonprofit and/or non commercial organization.

(5) "Ground mounted signage means" a sign installed on the ground or mounted to a base attached to the ground that may be installed at a height 2 feet above the top of the second story level of the main building measured at the highest elevation of the site on which the sign will be located. The sign height may be increased based on the height of the building.

(6) "Internal directional signage" means a group of signs containing letters and/or logo providing directions to specific locations within a complex of buildings or a mixed use building.

(7) "Kiosk" means a freestanding prefabricated structure that may be partially enclosed constructed of weather sustainable materials used for the purpose of advertising or displaying information and providing a vehicular and pedestrian navigation system including interactive displays directing persons to specific destinations within the Oklahoma Health Center and providing information regarding Health Center or other community events. This type signage is only permitted in strategic locations in the Health Center (HC) and Health Center Commercial (CHC) zoning districts.

(8) "Mixed used building signage" means signage used to identify multiple tenants or multiple functions within one structure. Identification of the primary user may occupy the majority of space on the sign face all other identification text shall be installed horizontally on a single sign face or on individual panels, identical in size with one line of text characters and logos identifying each individual tenant or function. A building under single ownership with multiple functions signage may identify each use on one sign located at the entrance to the building or at the location most visible from the street.

(9) "Monument sign means" an architecturally designed sign preferably constructed of concrete, rock, stone, or other masonry material used to identify a campus or complex of buildings of common or uncommon ownership. The dimensions of the sign shall be determined by the Commission based on the proposed location and the size of the complex. Additional landscaping may be required.

(10) "Regulatory sign" means an informational sign that may be pole mounted or mounted and fastened flat against a building wall that is used to provide a warning regarding health and safety issues. These type signs can be no larger than 2 square feet in area or 24 inches in diameter.

(d) **Landscape area required.**

(1) All ground mounted identification signage shall provide a landscaped area containing one square foot of plantings for every 2 square feet of the sign base or a fraction thereof located within 10 feet of the base of the sign. Turf grass shall not be used to satisfy this requirement.

(2) Landscape planting can include but is not limited to, ground cover, ornamental grasses, flowing plants, shrubs or miniature trees planted along the base of the sign spaced at a distance that will allow plantings to achieve full growth potential. Planted at a height that at maturity will not interfere with the visibility and readability of the sign message. All plants must be compatible to the Oklahoma City environment.

[OAR Docket #12-800; filed 6-15-12]

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

[OAR Docket #12-828]

RULEMAKING ACTION:

PERMANENT final adoption

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 [REVOKED]
- 210:15-3-90.1. Definitions [REVOKED]
- 210:15-3-90.2. Prekindergarten: Our America [NEW]
- 210:15-3-90.3. Kindergarten: Symbols of America [NEW]
- 210:15-3-91. Social Studies for grade 1 [REVOKED]
- 210:15-3-91.1. Grade 1: American Heroes [NEW]
- 210:15-3-92. Social Studies for grade 2 [REVOKED]
- 210:15-3-92.2. Grade 2: Our Democratic Heritage [NEW]
- 210:15-3-93. Social Studies for grade 3 [REVOKED]
- 210:15-3-93.3. Grade 3: Oklahoma Studies [NEW]
- 210:15-3-94. Social Studies for grade 4 [REVOKED]
- 210:15-3-94.4. Grade 4: United States Studies: Regional Geography and History - The Why of Where: Places, Patterns of Settlement, and Global Interaction [NEW]
- 210:15-3-95. Social Studies for grade 5 [REVOKED]
- 210:15-3-95.5. Grade 5: United States Studies: Creating the United States: The Foundation, Formation, and Transformation of the American Nation, 1607-1806 [NEW]
- 210:15-3-96. World studies for grade 6 [REVOKED]
- 210:15-3-96.6. Grade 6: World Geography: The Western Hemisphere - The Why of Where: Places, Patterns of Settlement, and Global Interaction [NEW]
- 210:15-3-97. World geography for grade 7 [REVOKED]
- 210:15-3-97.7. Grade 7: World Geography: The Eastern Hemisphere - The Why of Where: Places, Patterns of Settlement, and Global Interaction [NEW]
- 210:15-3-98. United States History 1760-1877 for grade 8 [REVOKED]
- 210:15-3-98.8. Grade 8: Creating the United States: The Foundation, Formation, and Transformation of the American Nation, 1754-1877 [NEW]
- 210:15-3-99. Economics for high school [REVOKED]
- 210:15-3-99.9. High School Economics: Incentives and Disincentives: Land, Labor, Capital, and Entrepreneurship [NEW]
- 210:15-3-100. Oklahoma history for high school [REVOKED]
- 210:15-3-100.1. Oklahoma History and Government - The Foundation, Formation, and Transformation of the State of Oklahoma [NEW]
- 210:15-3-100.2. High School Psychology: Foundations and Formation of Human Development [NEW]
- 210:15-3-100.3. High School Sociology: Formations and Patterns of Group Behavior [NEW]
- 210:15-3-101. United States government for high school [REVOKED]
- 210:15-3-101.1. United States Government - Freedom for all: Securing Rights and Defining Responsibilities [NEW]

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- 210:15-3-102. United States History 1850 to the present for high school [REVOKED]
210:15-3-102.2. United States History - Creating the United States: The American Nation in Transformation, 1878 to the present [NEW]
210:15-3-103. World geography for high school [REVOKED]
210:15-3-103.3. High School World History - Cultural Connections Turning Points, and Transformation of the World into the Modern [NEW]
210:15-3-104. World History for high school [REVOKED]
210:15-3-104.4. World Human Geography - The Why of Where: Places, Patterns of Settlement, and Global Interactions [NEW]
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]

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

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N/A

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N/A

ANALYSIS:

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.

The purpose of this change is to alleviate the reporting burden for school districts and eliminate a section of the rule relating to the six-year plan that was not authorized by statute.

The rule establishes a process for withholding gifted and talented education funds for school districts who fail to submit a statutorily required gifted and talented education report by August 1 of each school year.

CONTACT PERSON:

Connie Holland, 405-521-3308

DUE TO EXCESSIVE LENGTH OF THESE RULES (AS DEFINED IN OAC 655:10-7-12), THE FULL TEXT OF THESE RULES WILL NOT BE PUBLISHED. THE RULES ARE AVAILABLE FOR PUBLIC INSPECTION AT THE STATE DEPARTMENT OF EDUCATION, STATE BOARD OF EDUCATION OFFICE, 2500 N. LINCOLN, OKLAHOMA CITY, OKLAHOMA AND AT THE SECRETARY OF STATE'S OFFICE OF ADMINISTRATIVE RULES, THE FOLLOWING SUMMARY HAS BEEN PREPARED PURSUANT TO 75 O. S. § 255(B):

Rules relating to kindergarten and pre-kindergarten social studies in Part 3 were revoked. Social studies rules for grades pre-kindergarten through twelfth grade are now found in Part 11. All grade levels of the current Priority

Academic Student Skills (PASS) standards were reviewed and changes made to the new Oklahoma College, Career, Citizen (C3) standards for social studies. The new rules formally enact recently revised social studies curriculum adopted pursuant to 70 O. S. § 11-103.6a. Interested parties may obtain a copy of the full text of the rule at the Oklahoma State Department of Education, State Board of Education office, 2500 N. Lincoln, Oklahoma City, Oklahoma.

[OAR Docket #12-828; filed 6-26-12]

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

[OAR Docket #12-822]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

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

580:20-27-1 through 580:20-27-3 [NEW]

580:20-27-4 [RESERVED]

580:20-27-5 [NEW]

580:20-27-6 through 580:20-27-8 [RESERVED]

580:20-27-9 [NEW]

580:20-27-10 [RESERVED]

580:20-27-11 [NEW]

580:20-27-12 [RESERVED]

580:20-27-13 [NEW]

580:20-27-14 [RESERVED]

580:20-27-15 [NEW]

580:20-27-16 [RESERVED]

580:20-27-17 [NEW]

580:20-27-18 [RESERVED]

580:20-27-19 [NEW]

580:20-27-20 [RESERVED]

580:20-27-21 [NEW]

580:20-27-22 [RESERVED]

580:20-27-23 [NEW]

580:20-27-24 through 580:20-27-26 [RESERVED]

580:20-27-27 [NEW]

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580:20-27-29 [NEW]

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None.

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None.

CONTACT PERSON:

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

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., §308.1(A), WITH AN EFFECTIVE DATE OF JULY 26, 2012:

SUBCHAPTER 27. USE OF BEST VALUE COMPETITIVE PROPOSALS TO AWARD A CONTRACT

580:20-27-1. Purpose

The purpose of this Subchapter is to provide information and procedures to issue competitive solicitations and award contracts using Best Value methodology. The rules implement the provisions of 61 O.S. §103(E) of the Public Competitive Bidding Act of 1974, which authorizes use of Best Value competitive proposals as an alternative to strictly price or qualification-based competition. The rules ensure fair and consistent contracting processes that satisfy the needs of the state. All vendors and state agencies are responsible for knowing the requirements of this Subchapter. These rules are administered by the Construction and Properties Division of the Department of Central Services to provide direction and ensure compliance with the Oklahoma Public Competitive Bidding Act, and other state laws and rules applicable to state construction acquisitions. These rules have been promulgated in accordance with the Administrative Procedures Act and pursuant to the authority of 61 O.S. §103(E) and 61 O.S. §209.

580:20-27-2. Definitions

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

"Administrator" means the State Construction Administrator of the Construction and Properties Division of the Department of Central Services.

"Best Value" means *an optional contract award system which can evaluate and rank submitted competitive performance proposals to identify the proposal with the greatest value to the state.* [61 O.S. §103(E)]

"Department" means the Department of Central Services.

"Division" means the Construction and Properties Division of the Department of Central Services, State of Oklahoma.

"Past Performance Rating" means a numerical rating on a 1-10 scale mathematically derived from customer satisfaction surveys completed by past clients.

"Project" means the scope of services for which the Division requests competitive proposals from interested construction services vendors by issuance of a Solicitation or Request for Proposal.

"Project Capability" means the ability of a vendor to perform the requested services based on understanding of the requirement and mastery of necessary technical requirements while demonstrating a lack of technical risk as evidenced by measurement or accomplishment.

"Risk Assessment" means identification of risks that the vendor does not control and the vendor's plan to minimize the risk.

"Selection Committee" means a group of state representatives, designated by the Administrator, assembled to evaluate and rank proposal submittals by vendors.

"Selection Monitor" means the Administrator or his/her appointed representative placed in the role of presiding over a Selection Committee.

"State agency" means an *agency, board, commission, counsel, court, office, officer, bureau, institution, unit, division, body, or house of the executive or judicial branches of government of this state, whether elected or appointed, excluding only political subdivisions.* [61 O.S., §202]

"Value-added" means adjustment to the project requirement and/or benefit offered to the owner that may be proposed by a vendor, stated in terms of impact to the project in return for a deviation in price, schedule or quality.

"Vendor" means any service provider competing for a contract or performing work under a contract awarded by the Division. The term "Vendor" is interchangeable with Contractor, Construction Manager, Consultant, Design-Builder or other service provider. Vendor is used interchangeably with Bidder, Proposer and Offeror in context with the immediate topic herein.

580:20-27-3. Components of Best Value vendor selection and project delivery

(a) **Goal.** The goal of using the Best Value contract solicitation method is, for each service delivery, to identify the construction vendor that is an expert, is efficient, can pre-plan the work and deliver the service with minimal deviation in the owner's expectations (cost, schedule and quality) and thereby provide the owner the greatest value for the lowest price.

(b) **Principles.** The intent of the Best Value solicitation process is to promote:

- (1) efficiency;
- (2) transparency;
- (3) accountability;
- (4) measurements;
- (5) alignment;
- (6) expertise;
- (7) dominant information;
- (8) risk minimization;
- (9) reduced need for decision making;
- (10) reduced transactions; and,
- (11) win-win-win outcome (owner, vendor, customer).

(c) **Phases.** The Best Value vendor selection and project delivery process consists of three (3) primary phases:

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- (1) **Phase 1.** Vendor selection
- (2) **Phase 2.** Clarification period, which includes but may not be limited to:
 - (A) agreement on scope;
 - (B) description of services using performance measurements, if applicable; and,
 - (C) creation of contract requiring a Weekly Risk Report (WRR), Risk Management Plan (RMP), and all applicable legal terms and conditions.
- (3) **Phase 3.** Management by Risk Minimization, which requires:
 - (A) the vendor to manage and control the project using a weekly risk report and risk management plan (WRR/RMP); and,
 - (B) the Division to perform project quality assurance by ensuring the vendor is using a quality control plan (WRR/RMP). The Division's quality assurance personnel are not limited to quality assurance and may inspect the project on a periodic basis.

580:20-27-4. [RESERVED]

580:20-27-5. **Selection committee**

- (a) **Members.** Whenever a solicitation is issued requiring Best Value methodology to determine the successful bidder, the Administrator or Division designee will appoint members to a Selection Committee. The Committee will consist of three to five individuals with at least one representing the Division. The balance may consist of state agency representatives.
- (b) **Selection Monitor.** One Committee member, which may be the Administrator or his/her appointed representative, is designated as the Selection Monitor. The Selection Monitor is a non-voting member and presides over the Selection Committee. Duties of the Selection Monitor may include:
 - (1) schedule and preside over Committee meetings;
 - (2) provide instructions to Committee members on the Best Value methodology for evaluation and rating of bid submittals;
 - (3) tabulation of the evaluation scores;
 - (4) review the Committee's rating results for dominant information and/or inconsistencies;
 - (5) discuss evaluations with Committee members to seek clarifications, if necessary;
 - (6) prioritize the final rating score in matrix;
 - (7) assist the Committee in determining the highest ranked firms for further consideration in interviews.
 - (8) assist the Committee in determining the apparent Best Value firm; and,
 - (9) assisting with the Clarification Period activities.

580:20-27-6. [RESERVED]

580:20-27-7. [RESERVED]

580:20-27-8. [RESERVED]

580:20-27-9. **Clarification Period**

- (a) The identified apparent Best Value vendor is invited to participate in the Clarification Phase. Only one firm at a time may be invited to participate. This period is the final 'filter' and the invited firm is still at risk (the project is the identified firm's to lose). The clarification period is not a contract negotiation activity. Once invited to the clarification period, the vendor is responsible for scheduling and management of the related activities. The objective is to:
 - (1) ensure the vendor understands the project scope; and,
 - (2) allow the vendor to clarify how they will deliver the project/service on time;
 - (3) identify the accountabilities of other parties; and
 - (4) explain how the vendor will mitigate and manage any risk the vendor does not control.
- (b) The vendor is responsible for understanding the project requirements and expectations.
- (c) To complete the Clarification Phase, the vendor conducts required meetings, identifies specific requirements and provides relevant documents, including but not limited to, the following:
 - (1) Executive Summary;
 - (2) A critical milestone schedule that includes the clarification period, the award, project/service delivery and the project completion, including requirements for information or actions by other parties necessary to meet the schedule;
 - (3) Identify (ask questions) all technical concerns the customer may have or issues or risks identified by the customer and provide an explanation of how they will satisfy those concerns; make any additional investigations as warranted;
 - (4) Provide a listing of major sub-vendor and suppliers. Ensure that any sub-vendors have a complete understanding of the project and have no technical or non-technical questions or concerns;
 - (5) Identify activities where the vendor will experience situations where there may be a lack of information, where un-foreseen conditions may exist and activities where the vendor has no control over other participants or required activities in the delivery of the service.
 - (6) Identify and document in writing any value-added ideas the Division has accepted or rejected, along with corresponding adjustments to the contract terms;
 - (7) A project plan including any final clarification of their proposal and any omitted information and identification of value added provisions accepted by the owner;
 - (8) Validation that the proposal is accurate and complete prior to submitting their final project scope;
 - (9) Develop a weekly risk report template to communicate accountabilities and deviations, beginning with the clarification period;
 - (10) Develop a risk management plan, which includes any risks the vendor does not control and how the vendor will mitigate or minimize those risks should they occur;

(11) Identify a performance measurement plan to communicate to the Division how the vendor is performing during the project duration; and

(12) Provide assurances to satisfy any remaining project concerns that the Division may have, including but not limited to adverse publicity, noncompliance with local, State or Federal law, Safety and accident prevention or other risks within the control of the vendor that would cause unnecessary time-and-effort transactions by the Division.

(d) If the bidder determines their proposal contains errors or their proposal is inaccurate, the bidder may withdraw the project proposal without incurring a penalty. The bidder shall be prohibited from modifying their proposal cost, duration, or project team, unless there is dominant information justifying such action as determined by the Administrator.

(e) The vendor must schedule a final Clarification Meeting at the end of the clarification period to present a summary of the project items developed. The clarification documents must be concise, organized and suitable for attachment to the Division's owner-vendor agreement.

(1) The final clarification meeting is not a question and answer session.

(2) The bidder must not wait for the meeting to ask questions. All coordination and planning with the Division must be conducted prior to the clarification meeting.

(3) The bidder makes a clarification meeting presentation, which details completion of the project from start to finish and summarizes all coordination/planning completed during the Clarification Phase.

(f) The Clarification Phase is the final selection filter. If at any time during the Clarification Phase, the Division determines progress being made by the invited bidder is unsatisfactory, the Division may terminate Clarification Phase activities with the invited bidder. The Division may then commence a new Clarification Phase with the next highest ranked bidder.

580:20-27-10. [RESERVED]

580:20-27-11. Risk minimization and performance

(a) The Risk Minimization and Performance Measurement phase begins upon award of the project contract. Risk includes anything that impacts project cost, quality or project schedule caused by the vendor, the State, unforeseen conditions or other parties. The Phase consists of, but is not limited to:

(b) **Weekly Risk Report System (WRR).** The WRR is a project requirement and tool the vendor must use to manage and document all risks that occur throughout a project. The WRR is a standardized format prescribed by the Administrator, which may include:

- (1) all key contact information;
- (2) project milestone schedule;
- (3) risk sheet;
- (4) modification/deviation tracking;
- (5) risk management plan (RMP);

(6) any risks the Division may require the vendor to document that could impact the customer or the Division's satisfaction.

(7) performance measurements

(c) The vendor shall submit a risk report for the project/service weekly throughout their contract, or as otherwise required by the Administrator.

580:20-27-12. [RESERVED]

580:20-27-13. State transparency and Best Value documentation

(a) For successful outcomes, the Best Value operating environment must be transparent to all stakeholders. The following key components are critical to the integrity of Best Value methodology:

(1) A solicitation must clearly state submittal requirements.

(2) A solicitation must clearly define the solicitation/acquisition schedule, which may include a Pre-Bid Education meeting to review Best Value concepts, process and submittal requirements

(3) Following a contract award, the Division will provide a debriefing meeting to bidders, upon request. Alternatively, if scheduled by the solicitation, the Division will provide a debriefing review for all participants.

(b) To protect the integrity of the selection process and fairness to bidders, the following will remain confidential as stated:

(1) Identities of individual bidders will not be revealed to voting members of a selection committee during evaluation of key submittals as identified in the solicitation until such time as the highest rated bidders are identified and advanced to the oral interview or award phase.

(2) To preserve integrity in the event a re-bid is necessary, contents of the individual bidders' submittals shall not be open to public inspection until such time as the contract award is made.

(3) A bidder shall clearly identify any information submitted in a response to a solicitation that the bidder considers confidential or proprietary. The Administrator shall review the information and may or may not designate a bidder's information or proprietary information as confidential and may or may not reject requests to disclose the information so designated.

(c) Following the contract execution, all selection process documentation not otherwise protected will be available to the public for inspection. The following shall be posted on the Division's website:

- (1) Tabulation of bid evaluation scores, and
- (2) Tabulation of bid pricing, and
- (3) Identification of Awardee and awarded price.

580:20-27-14. [RESERVED]

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580:20-27-15. Post project vendor performance rating

(a) Upon completion of a project, the Administrator, in consultation with the customer agency, will conduct a performance review of the vendor.

(b) The final vendor project performance review will replace previous performance evaluations for use in future contract award evaluations.

580:20-27-16. [RESERVED]

580:20-27-17. Other requirements for contracts awarded using Best Value methodology

Rules of this section apply to any contract awarded by the Division using Best Value methodology to select the successful vendor.

(1) When otherwise prohibited by state law, fee proposals shall not be requested by a solicitation or considered by the selection committee prior to commencement of the Clarification Period (ie. Consultant or Construction Manager solicitations).

(2) Construction service solicitations and contracts shall comply with the requirements of the Public Competitive Bidding Act of 1974 with respect to performance bonds, payment bonds, defect bonds and change order limits.

(3) Solicitations for on-call, indefinite delivery and statewide specialty service contracts resulting in multiple contract awards may include the following provisions:

(A) Top ranked vendors may receive awards as set forth by the solicitation and determined by the selection committee.

(B) Multiple vendors may be invited to the clarification period to facilitate multiple awards. Multiple vendors must not be placed in competition with one another during this period.

(C) Ranking, price schedule and performance information for awardees will be published by the Division as information to potential end users.

(D) Authorized end users may utilize the available contracts according to procedures established by the Division for issuing proposal requests, making requisition and issuance of work orders.

(E) Following completion of a work order assignment, the vendor's performance will be documented and added to the published performance line for consideration by future customers.

(4) Construction Manager/At-Risk may use Best Value methodology to select subcontractors only in accordance with a plan authorized by the Administrator. Components of the plan must, as a minimum, include the following provisions:

(A) Bid Notices: Method of making uniform public notification to interested subcontractors and suppliers;

(B) Availability of Bid Documents for inspection or acquisition by interested bidders;

(C) Bidding and bid submittal requirements, including contents of submittals and the place and time that bids are due.

(D) Method of evaluation of bid documents to determine final recommended contract awards.

(E) Method of public publication of pricing, scoring and final award information.

580:20-27-18. [RESERVED]

580:20-27-19. Industry Advisory Committee

(a) Committee. In order to maintain a balanced approach among stakeholders, the Administrator may establish an advisory committee comprised of volunteers from organizational stakeholders of the state construction program.

(b) Purpose. The purpose of the Committee is to assist with procedures, review case studies, recommend implementation strategies, promote education and promote continual improvement. The Administrator may ask the committee to review complaints or concerns from stakeholders and recommend resolution thereof.

(c) Membership. Committee membership is comprised of delegates from organizations representing general construction contracting; specialty contracting, suppliers, consultants and customers.

(d) Meetings. The Administrator or designee is the Committee Chairperson and has responsibility for scheduling meetings.

580:20-27-20. [RESERVED]

580:20-27-21. Third party oversight

The Administrator may arrange for program oversight by an independent research organization or university. Services provided by the third party may include:

(1) auditing the selection and project delivery processes;

(2) preparing case study documentation;

(3) ensure correct application of Best Value principles and processes; and,

(4) provide educational support on theory, principles, application and updates to Best Value best practices.

580:20-27-22. [RESERVED]

580:20-27-23. State Best Value methodology training

(a) The Division will provide training opportunities for vendors, which may include:

(1) educational information at Best Value pre-bid meetings;

(2) additional educational opportunity(s) to vendors when solicitations are for services exceeding ten million dollars (\$10,000,000.00);

(3) periodic or annual Best Value training for the customer and vendor community to review Best Value theory,

application, selection process, case studies, and updates to the Division's adopted processes; and,

(4) additional training for vendor and customer groups, upon request and subject to availability.

(b) The Division will publish or otherwise make education materials available to parties interested in additional Best Value training.

580:20-27-24. [RESERVED]

580:20-27-25. [RESERVED]

580:20-27-26. [RESERVED]

580:20-27-27. Bid protests

A bidder may protest a contract awarded pursuant to this subchapter in accordance with OAC 580:20-1-10.1.

580:20-27-28. [RESERVED]

580:20-27-29. Waivers

The Administrator may waive or modify any provision or requirement of this subchapter when such waiver is in the best interest of the State.

[OAR Docket #12-822; filed 6-22-12]

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

[OAR Docket #12-823]

RULEMAKING ACTION:
PERMANENT final adoption

- RULES:**
580:55-1-1 through 580:55-1-18 [REVOKED]
Subchapter 1. General Provisions [NEW]
580:55-1-21 [NEW]
580:55-1-22 [RESERVED]
580:55-1-23 [NEW]
580:55-1-24 [RESERVED]
580:55-1-25 [NEW]
580:55-1-26 [RESERVED]
580:55-1-27 [NEW]
580:55-1-28 [RESERVED]
580:55-1-29 [NEW]
Subchapter 3. Training [NEW]
580:55-1-33 [RESERVED]
Subchapter 5. Testing, Certification and Recertification [NEW]
580:55-5-1 through 580:55-5-2 [NEW]
580:55-5-3 [RESERVED]
580:55-5-4 [NEW]
580:55-5-5 [RESERVED]

- 580:55-5-6 [NEW]
580:55-5-7 [RESERVED]
580:55-5-8 [NEW]
580:55-5-9 [RESERVED]
580:55-5-10 [NEW]
580:55-5-11 [RESERVED]
580:55-5-12 through 580:55-5-14 [NEW]
Subchapter 7. Standards for Alternative Fuels Technicians - Conversion and Compression [NEW]
580:55-7-1 [NEW]
580:55-7-2 [RESERVED]
580:55-7-3 through 580:55-7-4 [NEW]
Subchapter 9. Violations [NEW]
580:55-9-1 [NEW]
580:55-9-2 [RESERVED]
580:55-9-3 through 580:55-9-5 [NEW]

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INCORPORATIONS BY REFERENCE:
Incorporated standards:
National Fire Protection Association, Pamphlet 58, most recent edition.
National Fire Protection Association, Pamphlet 52, most recent edition.
National Fire Protection Association, Pamphlet 30A, most recent edition.

Incorporating rules:
580:55-1-23
580:55-7-3
580:55-7-4

Availability:
See contact person below

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

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., §308.1(A), WITH AN EFFECTIVE DATE OF JULY 26, 2012:

580:55-1-1. Purpose [REVOKED]

~~The purpose of this chapter is to fulfill the mandate of Title 74 Section 130.14 C. 5. E. by establishing rules in accordance with the Alternative Fuels Technician Certification Act.~~

Permanent Final Adoptions

580:55-1-1.1. Duties and responsibilities [REVOKED]

(a) The Committee shall assist and advise the agency on all matters relating to the formulation of rules and standards in accordance with the Alternative Fuels Technician Certification Act.

(b) The committee shall administer the examination to applicants for certification as alternative fuels technicians provided that such examination is in accordance with the provisions of the Alternative Fuels Technician Certification Act.

(c) The board may, upon its own motion, and shall, upon written complaint filed by any person, investigate the business transactions of any certified alternative fuels technician or certified alternative fuels installation company, partnership or corporation.

(d) The board is authorized to suspend or revoke any certificate; in addition, the board is authorized to impose civil penalties pursuant to the Administrative Procedures Act.

580:55-1-2. Definitions [REVOKED]

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

"Administrator" means the program administrator of the committee.

"Agency" means the Oklahoma Department of Central Services.

"Alternative fuels" means fuels which result in comparably lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide, or particulate matter or any combination thereof and includes CNG, LPG, LNG, methanol, ethanol, reformulated gasoline and electricity.

"Alternative fuels technician" means any person who installs, modifies, repairs or renovates equipment used in the conversion of any engines to engines fueled by alternative fuels and includes OEM vehicles either dedicated to operate on an alternative fuel or manufactured bi-fueled, i.e., capable of operating on gasoline or an alternative fuel.

"Alternative Fuels Technician Certification Act" means O.S. Title 74, Section 130.11 through 130.24.

"Board" means the Alternative Fuels Technician Hearing Board.

"Capable of operating on an alternative fuel" means any motor vehicle converted or designed to operate on an alternative fuel.

"Charge station" means the physical device that provides a connection from a power source to an electric vehicle as defined by the Electric Power Research Institute, and the Society of Automotive Engineers.

"CNG" means compressed natural gas.

"Committee" means the Committee of Alternative Fuels Technician Examiners.

"Electric vehicle technician" means any person who installs, modifies, repairs, performs maintenance on, motors, controllers, on board power sources, or the drive systems of vehicles powered by electricity. This includes vehicles originally equipped as electric vehicles, vehicles converted from gliders, and vehicles converted from internal combustion engine vehicles.

"Engine" means the propulsion system of a motor vehicle. Nothing in this definition is meant to cover any stationary engine.

"Fill station" means the property which is directly related to the delivery of compressed natural gas, liquefied natural gas, liquefied petroleum gas otherwise known as propane, into the fuel tank of a motor vehicle propelled by such fuel including the compression equipment and storage vessels for such fuel at the point where the fuel is delivered. Compressed Natural Gas and Liquefied Petroleum Gas are subject to the National Fire Protection Association code 52 and 58 respectively.

"Glider" means a vehicle built without an engine or fuel system for the purpose of converting it to an electric vehicle.

"LNG" means liquefied natural gas.

"LPG" means liquefied petroleum gas otherwise known as propane.

"Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails; provided, however, the definition of "motor vehicle" herein shall not include implements of husbandry.

"NFPA" means the National Fire Protection Association.

"OEM" means original equipment manufacturers.

"Person" means individuals, corporations, partnerships, cooperatives, associations and governmental subdivisions.

"Work" means any procedure involved in the physical installation or servicing of all components used in the conversion of motor vehicles to operate on alternative fuels and the servicing of original equipment manufacturers vehicles that operate on alternative fuels, including:

(A) LPG and CNG under hood components;

(i) tubing;

(ii) fittings;

(iii) valves;

(iv) gauges;

(v) brackets;

(vi) fuel lines;

(vii) cylinders;

(viii) tanks; and

(ix) electronic or electrical devices.

(B) Electric vehicle under hood components;

(i) traction battery packs or modules;

(ii) motor controllers;

(iii) subsystem controllers;

(iv) inverters;

(v) drive motors;

(vi) auxiliary components powered by high voltage; and

(vii) any high voltage circuits.

"Written" or **"In writing"** means a tangible or electronic record of a document, communication or representation, including handwriting, typewriting, printing, photostating, photography, e-mail or other electronic format or record. A "signed" writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.

580:55-1-3. Work of alternative fuels technician by non-certified person [REVOKED]

(a) From and after July 1, 1991, it shall be unlawful for any person to perform the work or offer, by advertisement or otherwise, to perform the work of an alternative fuels technician until such person is certified as an alternative fuels technician by the agency.

(b) Nothing in this Chapter shall prevent a non-certified person from converting the engine of a farm tractor, as defined in Sections 1-118 of Title 47 of the Oklahoma Statutes, to an engine fueled by alternative fuels, as long as such farm tractor is not operated on the roads and highways of this state.

(c) Activities directly related to normal, vehicle maintenance and service are exempt from the definition of work. It is not the intent of this section to preclude any individual, corporation, company from servicing, repairing or maintaining general systems not directly related to the alternative fuel delivery system. Such non-alternative motor fuels related activities include:

- (1) For LPG and CNG vehicles;
 - (A) Tune-ups;
 - (B) Filter replacement;
 - (C) Oil changes;
 - (D) Electrical/electronic component replacement; and,
 - (E) Belts and hoses.
- (2) For Electric vehicles;
 - (A) Replace auxiliary battery;
 - (B) Replace hoses or coolant, not affecting high voltage circuits or components;
 - (C) Replace brake and suspension components not linked to any high voltage circuits or components

(d) Non-certified individuals participating in a agency authorized training program, under the guidance of a state certified instructor, are exempt from the certification requirement during the training period.

580:55-1-4. Applications for examinations, certification or renewal of certification [REVOKED]

(a) All applications for examination, certification or renewal of certification shall be made in writing to the agency on forms provided, if necessary, by the agency.

(b) All applications shall be accompanied by the appropriate fee as set forth in 580:55-1-6 and the Alternative Fuels Technician Certification Act.

580:55-1-5. Contents of application [REVOKED]

The application shall be verified, and shall contain the following information, together with any additional information that the agency may require:

- (1) Name of the applicant;
- (2) Address of all locations that the applicant proposes to engage in the installation or modifications of vehicles using an alternative fuel;
- (3) The type of service, set forth specifically, which the applicant intends to perform and the type of permit that the

applicant seeks to secure, such as LPG, CNG, LNG, EV or other alternative fuel;

- (4) The general education achievement level of the applicant;
- (5) Drivers license number of the applicant; and,
- (6) Social security number or tax identification number of the applicant.

580:55-1-6. Fees [REVOKED]

The fee schedule for the Alternative Fuels Technician Certification Act is as follows:

- (1) Alternative fuels technician examination—\$50
- (2) Alternative fuels technician certificate—\$50
- (3) Company, partnership or corporation—\$100
- (4) Training program certification (one time) —\$500
- (5) Alternative fuels installation certification per location—\$1,000
- (6) Certificate renewal (if made within 30 days after expiration):
 - (A) Alternative fuels technician certificate—\$50
 - (B) Company, partnership or corporation—\$100
 - (C) Alternative fuels installation certification—\$1,000 per location
- (7) Penalty for late certification renewal—\$10
- (8) Prorated fee for new technician certification after March first of each year—\$25; after June 1 of each year—\$12.50

580:55-1-7. Processing and handling of applications and examinations [REVOKED]

(a) Upon receipt of an application for a certificate, the committee or administrator shall schedule the applicant for an examination.

(b) Examinations shall be administered in the following manner:

- (1) Questions for an examination shall be selected from appropriate sources deemed applicable by the committee.
- (2) Questions shall be multiple choice. The format of examination questions shall be varied and include multiple choice and true/false.
- (3) Prior to being put into the reservoir, the questions shall be reviewed by the committee.
- (4) For each examination, a total of 75 questions shall be drawn from the reservoir.
- (5) Applicants testing during a scheduled examination session will not be given identical versions of the examination.
- (6) The examination shall be administered in a manner that the identity of the applicant shall be unknown during the grading process.
- (7) Examinations for certification as alternative fuels technician shall be uniform and practical in nature as determined by the committee for alternative fuels technician certification and shall be sufficiently strict to test the qualifications and fitness of the applicants for certification.
- (8) An oral examination may be administered by prior arrangement.

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- (9) The committee shall conduct examinations twice a year and at such times as it deems necessary.
- (10) A score of eighty percent (80%) correct shall be a passing grade for all examinations.
- (11) Any applicant initially failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days. Any applicant subsequently failing to pass the examination shall not be permitted to take another examination for a period of ninety (90) days.
- (12) All applicants can petition the committee if they feel the committee's grade was incorrect. An applicant may petition the committee if the applicant disagrees with his or her examination grade issued by the committee. The applicant must notify the administrator of the petition prior to the next scheduled committee meeting in order for the petition to be placed on the meeting agenda.
- (13) All decisions of the committee are final.
- (14) Applicants that pass the examination and are notified by the committee of such must make arrangements for certification within ninety (90) days of such notification.
- (15) After the ninety (90) days, and such applicant has not been certified (i.e., paid the fee and provided proof of insurance), the applicant must retest prior to their certification.
- (16) The agency shall enforce the provisions of this section.

580:55-1-8. Certificate qualification and transfer or loan of certificate [REVOKED]

- (a) The agency shall issue a certificate as an alternative fuels technician to any person who
- (1) has been certified by the committee as either having successfully passed the appropriate examination or having a valid license or certificate issued by another governmental entity with licensing or certification requirements similar to those provided in the Alternative Fuels Technician Certification Act.
- (b) The agency shall have the authority to determine the validity of a certificate issued by another governmental entity.
- (c) The agency shall assess the required certification fee and ascertain that an applicant has also complied with the provisions of the Alternative Fuels Technician Certification Act.
- (d) In the case of a company, partnership or corporation engaged in the business of installing, servicing, repairing, modifying or renovating equipment used in the conversion of engines to engines fueled by alternative fuels, a separate certificate shall be issued by the agency to that individual company, partnership or corporation. The certificate is for the purpose of recognizing that the company, partnership or corporation is an authorized alternative fuels conversion business and employs state certified alternative fuels technicians.
- (e) Any violation by a certified alternative fuels technician shall be deemed a violation by the certified company, partnership or corporation employing such certified technician.
- (f) The agency shall issue an alternative fuels installation certification to any public entity or private company, partnership or corporation that operates commercial, private or public fleets of vehicles and employs ten (10) or more auto service

- technicians per location. The certification shall be based on the ability of the applicant to provide their own alternative fuels technician training program which shall be certified by the committee. This certification applies only to the conversion or service of vehicles owned or operated by such public entity or private company, partnership or corporation.
- (g) All alternative fuels technician certificates shall be non-transferable.
- (h) It shall be unlawful for any person certified pursuant to the provisions of the Alternative Fuels Technician Certification Act to loan or allow the use of such certificate by any other person, except as specifically provided in the Alternative Fuels Technician Certification Act.

580:55-1-9. Standards [REVOKED]

- (a) The standards for the installation of liquefied petroleum gases adopted by the National Fire Protection Association are published in the latest edition of its pamphlet No. 58 and the standards for the installation of compressed natural gas vehicular fuel systems adopted by the National Fire Protection Association are published in the latest edition of its pamphlet No. 52.
- (b) It shall be the agency's duty to adopt and promulgate such rules or specifications relating to safety in the manufacture, sale, assembly, installation and use of vehicular alternative fuel systems.
- (c) The agency is further authorized to modify or amend such rules or specifications as it deems reasonable and necessary.

580:55-1-10. Change of address of holder of certificate or registration [REVOKED]

Any holder of a certificate or registration issued in accordance with the provisions of the Alternative Fuels Technician Certification Act shall notify the agency of any change in such holders address no later than thirty (30) days of such change.

580:55-1-11. Certificate required by agency [REVOKED]

The mere filing of an application for a certificate does not of itself authorize the engaging in any of the installations or modifications of any equipment listed in 580:55-1-2, definition of "Work".

580:55-1-12. Insurance requirements [REVOKED]

A certificate shall not be issued to any applicant unless and until the agency has received proof of insurance as required by 580:55-1-12(1).

- (1) Alternative fuels technicians and conversion companies, partnerships or corporation engaged in the installation of alternative fuel equipment are required to have on file with the agency proof of certificate holders liability insurance coverage, with limits of not less than fifty thousand dollars (\$50,000.00) general liability, and is in full force and effect covering the plant, garage, equipment

and motor vehicles used in such business. Proof of self insurance will also be accepted.

(2) Insurance under 580:55-1-12(1) shall be kept and remain in force during the lifetime of the certification issued hereunder. An insurance certificate or certificates showing that the required insurance coverage is in force must be filed with the agency.

(3) Such insurance coverage will not be canceled or terminated unless written notice of such cancellation or termination is given to the agency thirty (30) days prior to cancellation date.

(4) Nothing in 580:55-1-12 shall be deemed or construed to require product liability insurance coverage.

(5) If in the event insurance is canceled and the agency is not notified within the thirty (30) day period or not provided with proof of insurance renewal, the agency will notify the board of such action and request that the certificate be revoked or suspended.

580:55-1-13. Guidelines for certificate renewal [REVOKED]

(a) The agency shall adopt rules and guidelines for the expiration of alternative fuels certificates and for determining the renewal process for Alternative Fuels Technicians.

(b) Renewal procedures are as follows:

(1) All certificates issued under the agency shall expire on September 1st of each year.

(2) A late fee of Ten Dollars (\$10.00) will be charged after September 30th.

(3) At such time re-testing will be required in order to be certified.

(4) At the time of recertification, proof of insurance coverage will be required as part of the process.

(5) Applicants failing to provide proof of insurance at said time of renewal will be subject to the late penalty, outlined in 580:55-1-6(A)(7), if insurance verification is made after the September 30th date.

580:55-1-14. Decals and conversion reporting procedure [REVOKED]

(a) After an alternative fuel conversion or modification of equipment is completed for any motor vehicle, the technician shall affix a blue CNG diamond, black propane diamond or green EV diamond, whichever is applicable, in its proper location.

(b) No certified technician shall install, service, repair or modify any motor vehicle, capable of operating on an alternative fuel, that does not have the required decals.

(c) Converted alternative fueled vehicles and OEM alternative fueled vehicles shall have placed on the vehicle, decals & labels required by NFPA and the following:

- (1) The date of installation;
- (2) The name of the installing technician; and,
- (3) The certificate number of the technician where applicable.

(d) The following reporting procedure must be performed after each vehicle conversion:

(1) On forms, provided by the agency, each vehicle converted shall be reported to the agency by the certified technician. Information deemed necessary by the agency shall be included on the form. These forms must be sent to the agency no later than ten (10) days after the completion of the conversion. Photocopying of these forms is permissible.

(2) The penalty for failure to comply with 580:55-1-14(d)(1) shall be determined by the board.

580:55-1-15. Alternative Fuels Technician Hearing Board; complaints, investigations, false or fraudulent representation, suspension or revocation of certificate [REVOKED]

(a) The agency and person or persons designated by the agency director shall act as the Alternative Fuels Technician Hearing board and shall comply with the provisions of the Administrative Procedures Act.

(b) The Alternative Fuels Technician Hearing Board may, upon its own motion, and shall, upon written complaint filed by any person, investigate the business transactions of any certified alternative fuels technician.

(c) The board shall suspend or revoke any certificate or registration obtained by false or fraudulent representation.

(d) The board shall also suspend or revoke any certificate or registration for any of the following reasons:

(1) Making a material misstatement in the application for a certificate or registration, or the renewal of a certificate or registration;

(2) Loaning or illegally using a certificate;

(3) Demonstrating incompetence to act as an Alternative Fuels technician;

(4) Violating any provisions of the Alternative Fuels Technician Certification Act, or any rule or order prescribed by the agency; or

(5) Willfully failing to perform normal business obligations without justifiable cause.

(e) The board shall convene at the request of the committee and/or the agency director and shall have as its counsel the general counsel of the agency.

(f) The board shall authorize the general counsel to investigate the matter or matters being considered by the board.

(g) The general counsel may elect to delegate the investigation to a person or persons of his choice.

(h) Investigations are to be secret until presented to the board for recommendations.

(i) Upon the review of the facts of the investigation, the board may determine whether or not to hear a case.

(j) The board and its activities shall comply with the Administrative Procedures Act.

(k) Any person whose Alternative Fuels Technician Certificate has been revoked by the Alternative Fuels Technician Hearing Board may apply for a new certificate one (1) year from the date of such revocation.

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580:55-1-16. Alternative Fuels Technician Certification Revolving Fund [REVOKED]

- (a) Funds derived from the "Technician Certification Act" shall be deposited with the State Treasurer and credited to the "Alternative Fuels Technician Certification Revolving Fund".
- (b) The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the agency.
- (c) Expenditures from this fund shall be made pursuant to the purposes of the Alternative Fuels Technician Certification Act and shall include, but not be limited to:
- (1) Payment of operating costs and the costs of programs designed to promote public awareness of the alternative fuels industry; and,
 - (2) Expenditures for the preparation and printing of regulations, bulletins or other documents and the furnishing of copies of such documents to those persons engaged in the alternative fuels industry or the public.
- (d) The revolving fund shall be audited at least once each year by the state auditor and inspector.

580:55-1-17. Violations; criminal penalties [REVOKED]

- (a) Any person convicted of violating any provision of the Alternative Fuels Technician Certification Act shall be guilty of a misdemeanor.
- (b) The continued violation of any provision of the Alternative Fuels Technician Certification Act during each day shall be deemed to be a separate offense.
- (c) Upon conviction thereof the person shall be punished by imprisonment in the county jail not to exceed one (1) year, or by a fine of not more than one thousand dollars (\$1,000.00) or by both such fine and imprisonment for each offense.
- (d) If the board makes a determination of a violation, it may request the appropriate district attorney to prosecute such violation and seek an injunction against such practice.

580:55-1-18. Violations; civil penalties; determination of penalty amount; surrender of certificate in lieu of fine [REVOKED]

- (a) Any person who has been determined by the Alternative Fuels Technician Hearing Board to have violated any provision of the Alternative Fuels Technician Certificate Act or any rule or order issued pursuant to the provisions of the Alternative Fuels Technician Certification Act may be liable for a civil penalty of not more than one hundred dollars (\$100.00) for each day that said violation occurs.
- (b) The maximum civil penalty shall not exceed ten thousand dollars (\$10,000) for any related series of violations.
- (c) The amount of the penalty shall be assessed by the board pursuant to the provisions of 580:55-1-18(a), after notice and hearing.
- (d) In determining the amount of the penalty, the Board shall include but not be limited to, consideration of the nature, circumstances, and gravity of the violation and, with respect to the person or persons found to have committed the violation, the

degree of culpability and any show of good faith in attempting to achieve compliance with the provisions of the Alternative Fuels Technician Certification Act.

(e) All monies collected from such civil penalties shall be deposited with the State Treasurer of Oklahoma and placed in the Alternative Fuels Technician Certification Revolving Fund.

(f) Any certificate holder may elect to surrender his certificate in lieu of said fine but shall be forever barred from obtaining a reissuance of said certificate.

SUBCHAPTER 1. GENERAL PROVISIONS

580:55-1-21. Purpose

The purpose of this chapter is to fulfill the mandate of Title 74 Section 130.14 C. 5. E. by establishing rules in accordance with the Alternative Fuels Technician Certification Act.

580:55-1-22. [RESERVED]

580:55-1-23. Definitions

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

"Administrator" means the Program Administrator of the Committee.

"Agency" means the Department of Central Services.

"Alternative fuels" means fuels which result in comparably lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide, or particulate matter or any combination thereof and includes CNG, LPG, LNG, methanol, ethanol, reformulated gasoline and electricity.

"Alternative fuels technician" means any person who installs, modifies, repairs or renovates equipment used in the conversion of any engines to engines fueled by alternative fuels and includes OEM vehicles either dedicated to operate on an alternative fuel or manufactured bi-fueled, i.e., capable of operating on gasoline or an alternative fuel.

"Alternative Fuels Technician Certification Act" means O.S. Title 74, Section 130.11 through 130.24.

"Board" means the Alternative Fuels Technician Hearing Board.

"Capable of operating on an alternative fuel" means any motor vehicle converted or designed to operate on an alternative fuel.

"Charge station" means the physical device that provides a connection from a power source to an electric vehicle as defined by the Electric Power Research Institute, and the Society of Automotive Engineers.

"CNG" means compressed natural gas.

"Committee" means the Committee of Alternative Fuels Technician Examiners.

"Electric vehicle technician" means any person who installs, modifies, repairs, performs maintenance on, motors, controllers, on-board power sources, or the drive systems of vehicles powered by electricity. This includes vehicles originally equipped as electric vehicles, vehicles converted

from gliders, and vehicles converted from internal combustion engine vehicles.

"Engine" means the propulsion system of a motor vehicle. Nothing in this definition is meant to cover any stationary engine.

"Fill station" means the property which is directly related to the delivery of compressed natural gas, liquefied natural gas, liquefied petroleum gas otherwise known as propane, into the fuel tank of a motor vehicle propelled by such fuel including the compression equipment and storage vessels for such fuel at the point where the fuel is delivered. Compressed Natural Gas and Liquefied Petroleum Gas are subject to the NFPA code 52 and 58 respectively.

"Glider" means a vehicle built without an engine or fuel system for the purpose of converting it to an electric vehicle.

"LNG" means liquefied natural gas.

"LPG" means liquefied petroleum gas otherwise known as propane.

"Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails; provided, however, the definition of "motor vehicle" herein shall not include implements of husbandry.

"NFPA" means the National Fire Protection Association.

"OEM" means original equipment manufacturers.

"Person" means individuals, corporations, partnerships, cooperatives, associations and governmental subdivisions.

"Work" means any procedure involved in the physical installation or servicing of all components used in the conversion of motor vehicles to operate on alternative fuels and the servicing of original equipment manufacturers vehicles that operate on alternative fuels, including:

(A) LPG and CNG components;

- (i) tubing;
- (ii) fittings;
- (iii) valves;
- (iv) gauges;
- (v) brackets;
- (vi) fuel lines;
- (vii) cylinders;
- (viii) tanks; and
- (ix) electronic or electrical devices.

(B) Electric vehicle components;

- (i) traction battery packs or modules;
- (ii) motor controllers;
- (iii) subsystem controllers;
- (iv) inverters;
- (v) drive motors;
- (vi) auxiliary components powered by high voltage; and
- (vii) any high voltage circuits.

"Written" or "In writing" means a tangible or electronic record of a document, communication or representation, including handwriting, typewriting, printing, photostating, photography, e-mail or other electronic format or record. A "signed" writing includes an electronic sound, symbol or process attached to or logically associated with a writing and

executed or adopted by a person with the intent to sign the writing.

580:55-1-24. [RESERVED]

580:55-1-25. Duties and responsibilities of the Committee of Alternative Fuels Technician Examiners

(a) The Committee shall assist and advise the agency on all matters relating to the formulation of rules and standards in accordance with the Alternative Fuels Technician Certification Act.

(b) The Committee shall administer the examination to applicants for certification as alternative fuels technicians provided that such examination is in accordance with the provisions of the Alternative Fuels Technician Certification Act.

580:55-1-26. [RESERVED]

580:55-1-27. Duties and responsibilities of the Alternative Fuels Technician Hearing Board

(a) The Board may, upon its own motion, and shall, upon written complaint filed by any person, investigate the business transactions of any certified alternative fuels technician or certified alternative fuels installation company, partnership or corporation.

(b) The Board is authorized to suspend or revoke any certificate; in addition, the board is authorized to impose civil penalties pursuant to the Administrative Procedures Act.

580:55-1-28. [RESERVED]

580:55-1-29. Alternative Fuels Technician Certification Revolving Fund

(a) Funds derived from the "Alternative Fuels Technician Certification Act" shall be deposited with the State Treasurer and credited to the "Alternative Fuels Technician Certification Revolving Fund".

(b) The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the control and management of the Agency.

(c) Expenditures from this fund shall be made pursuant to the purposes of the Alternative Fuels Technician Certification Act and shall include, but not be limited to:

- (1) Payment of administrative costs and other operational costs supporting program existence; and,
- (2) Payment of the costs of programs designed to promote public awareness of the alternative fuels industry; and,
- (3) Expenditures for the preparation and printing of regulations, bulletins or other documents and the furnishing of copies of such documents to those persons engaged in the alternative fuels industry or the public.

Permanent Final Adoptions

SUBCHAPTER 3. TRAINING

580:55-1-33. [RESERVED]

SUBCHAPTER 5. TESTING, CERTIFICATION AND RECERTIFICATION

580:55-5-1. Applications for examinations, certification or renewal of certification

(a) All applications for examination, certification or renewal of certification shall be made in writing to the agency on forms provided, if necessary, by the agency.

(b) All applications shall be accompanied by the appropriate fee as set forth in section 580:55-1-41.

580:55-5-2. Contents of application

The application shall be verified, and shall contain the following information, together with any additional information that the agency may require:

- (1) Name of the applicant;
- (2) Mailing Address
- (3) Address of all locations that the applicant proposes to engage in the installation or modifications of vehicles using an alternative fuel;
- (4) The type of service, set forth specifically, which the applicant intends to perform and the type of permit that the applicant seeks to secure, such as LPG, CNG, LNG, EV or other alternative fuel;

580:55-5-3. [RESERVED]

580:55-5-4. Certificate required by agency

The mere filing of an application for a certificate does not of itself authorize the engaging in any of the installations or modifications of any equipment listed in the definition of "Work" in 580:55-1-23.

580:55-5-5. [RESERVED]

580:55-5-6. Fees

(a) The fee schedule for the Alternative Fuels Technician Certification Act is as follows:

- (1) Alternative fuels technician examination - \$50
- (2) Alternative fuels technician certificate - \$50
- (3) Company, partnership or corporation - \$100
- (4) Training program certification (one-time) - \$500
- (5) Alternative fuels installation certification per location - \$1,000
- (6) Certificate renewal (if made within 30 days after expiration):
 - (A) Alternative fuels technician certificate - \$50
 - (B) Company, partnership or corporation - \$100

(C) Alternative fuels installation certification - \$1,000 per location

(7) Penalty for late certification renewal - \$10

(8) Prorated fee for new technician certification after March first of each year - \$25; after June 1 of each year - \$12.50

(b) Form of payment from non-governmental entities and general public.

(1) Payment may be only in the form of:

(A) Certified funds,

(B) Business check,

(C) Personal check,

(D) Money order, or

(E) Cashier's check.

(2) The presenter of a check must present a valid driver license or other picture form of identification at the time of payment.

(3) Unguaranteed checks and 2-party checks shall not be accepted.

(4) Payment refunds. All payments received are non-refundable.

580:55-5-7. [RESERVED]

580:55-5-8. Processing and handling of applications and examinations

(a) Upon receipt of an application for a certificate, the Administrator schedules the applicant for an examination.

(b) Examinations shall be administered in the following manner:

(1) Questions for an examination shall be selected from appropriate sources deemed applicable by the committee.

(2) Questions shall be multiple choice. The format of examination questions shall be varied and include multiple choice and true/false.

(3) Prior to being put into the reservoir, the questions shall be reviewed by the committee.

(4) For each examination, a total of 75 questions shall be drawn from the reservoir.

(5) Applicants testing during a scheduled examination session will not be given identical versions of the examination.

(6) The examination shall be administered in a manner that the identity of the applicant shall be unknown during the grading process.

(7) Examinations for certification as alternative fuels technician shall be uniform and practical in nature as determined by the committee for alternative fuels technician certification and shall be sufficiently strict to test the qualifications and fitness of the applicants for certification.

(8) An oral examination may be administered by prior arrangement.

(9) The committee shall conduct examinations twice a year and at such times as it deems necessary.

(10) A score of eighty percent (80%) correct shall be a passing grade for all examinations.

- (11) Any applicant initially failing to pass the examination shall not be permitted to take another examination for a period of thirty (30) days. Any applicant subsequently failing to pass the examination shall not be permitted to take another examination for a period of ninety (90) days.
- (12) All applicants can petition the committee if they feel the committee's grade was incorrect. An applicant may petition the committee if the applicant disagrees with his or her examination grade issued by the committee. The applicant must notify the administrator of the petition prior to the next scheduled committee meeting in order for the petition to be placed on the meeting agenda.
- (13) All decisions of the committee are final.
- (14) Applicants that pass the examination and are notified by the committee of such must make arrangements for certification within ninety (90) days of such notification.
- (15) After the ninety (90) days, and such applicant has not been certified (i.e., paid the fee and provided proof of insurance), the applicant must retest prior to their certification.
- (16) The agency shall enforce the provisions of this section.

580:55-5-9. [RESERVED]

580:55-5-10. Certificate qualification and transfer or loan of certificate

- (a) The Agency issues a certificate as:
 - (1) An alternative fuels equipment technician to any person who has been certified by the Committee as either having successfully passed the appropriate examination or having a valid license or certificate issued by another governmental entity with licensing or certification requirements similar to those provided in the Alternative Fuels Technician Certification Act.
 - (2) An alternative fuels compression technician to any person who has been certified by the Committee as either having successfully passed the appropriate examination or having a valid license or certificate issued by another governmental entity with licensing or certification requirements similar to those provided in the Alternative Fuels Technician Certification Act.
- (b) The agency shall have the authority to determine the validity of a certificate issued by another governmental entity.
- (c) The agency shall assess the required certification fee and ascertain that an applicant has also complied with the provisions of the Alternative Fuels Technician Certification Act.
- (d) In the case of a company, partnership or corporation engaged in the business of installing, servicing, repairing, modifying or renovating equipment used in the conversion of engines to engines fueled by alternative fuels, a separate certificate shall be issued by the agency to that individual company, partnership or corporation. The certificate is for the purpose of recognizing that the company, partnership or corporation is an authorized alternative fuels conversion business and employs state-certified alternative fuels technicians.

- (e) Any violation by a certified alternative fuels equipment or compression technician shall be deemed a violation by the certified company, partnership or corporation employing such certified technician.
- (f) The agency shall issue an alternative fuels equipment installation certification to any public entity or private company, partnership or corporation that operates commercial, private or public fleets of vehicles and employs ten (10) or more auto service technicians per location. The certification shall be based on the ability of the applicant to provide their own alternative fuels technician training program, which shall be certified by the committee. This certification applies only to the conversion or service of vehicles owned or operated by such public entity or private company, partnership or corporation.
- (g) All alternative fuels technician equipment or compression certificates shall be non-transferable.
- (h) It shall be unlawful for any person certified pursuant to the provisions of the Alternative Fuels Technician Certification Act to loan or allow the use of such certificate by any other person, except as specifically provided in the Alternative Fuels Technician Certification Act.

580:55-5-11. [RESERVED]

580:55-5-12. Change of address of holder of certificate or registration

Any holder of a certificate or registration issued in accordance with the provisions of the Alternative Fuels Technician Certification Act shall notify the agency of any change in such holders address no later than thirty (30) days of such change.

580:55-5-13. Insurance requirements

A certificate shall not be issued to any applicant unless and until the agency has received proof of insurance as required by this section.

- (1) Alternative fuels technicians and conversion companies, partnerships or corporation engaged in the installation of alternative fuel equipment are required to have on file with the agency proof of certificate holders liability insurance coverage, with limits of not less than fifty thousand dollars (\$50,000.00) general liability, and is in full force and effect covering the plant, garage, equipment and motor vehicles used in such business. Proof of self insurance will also be accepted.
- (2) Insurance under this section shall be kept and remain in force during the lifetime of the certification issued hereunder. An insurance certificate or certificates showing that the required insurance coverage is in force must be filed with the agency.
- (3) Such insurance coverage will not be canceled or terminated unless written notice of such cancellation or termination is given to the agency thirty (30) days prior to cancellation date.
- (4) Nothing in this section shall be deemed or construed to require product liability insurance coverage.

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(5) If in the event insurance is canceled and the agency is not notified within the thirty (30) day period or not provided with proof of insurance renewal, the agency will notify the board of such action and request that the certificate be revoked or suspended.

580:55-5-14. Guidelines for certificate renewal

- (a) All certificates issued under the agency shall expire on September 1st of each year.
- (b) A late fee of Ten Dollars (\$10.00) will be charged after September 30th.
- (c) At such time re-testing will be required in order to be certified.
- (d) At the time of recertification, proof of insurance coverage will be required as part of the process.
- (e) Applicants failing to provide proof of insurance at said time of renewal will be subject to the late penalty, outlined in 580:55-5-12., if insurance verification is made after the September 30th date.
- (f) All Alternative Fuel Technicians are required to re-test every three (3) years to receive a renewal of certification.
- (g) All applications for examination for the renewal of certification shall be made in writing to the agency on forms provided, if necessary, by the agency.
- (h) All applications shall be accompanied by the appropriate fee as set forth in section 580:55-5-4.

SUBCHAPTER 7. STANDARDS FOR ALTERNATIVE FUELS TECHNICIANS - CONVERSION AND COMPRESSION

580:55-7-1. Work of alternative fuels technician by non-certified person

- (a) From and after July 1, 1991, it shall be unlawful for any person to perform the work or offer, by advertisement or otherwise, to perform the work of an alternative fuels technician until such person is certified as an alternative fuels technician by the agency.
- (b) Nothing in this Chapter shall prevent a non-certified person from converting the engine of a farm tractor, as defined in Sections 1-118 of Title 47 of the Oklahoma Statutes, to an engine fueled by alternative fuels, as long as such farm tractor is not operated on the roads and highways of this state.
- (c) Activities directly related to normal, vehicle maintenance and service are exempt from the definition of work. It is not the intent of this section to prevent any individual, corporation, company from servicing, repairing or maintaining general systems not directly related to the alternative fuel delivery system. Such non-alternative motor fuels related activities include:
- (1) For LPG and CNG vehicles:
- (A) Tune-ups;
- (B) Filter replacement;
- (C) Oil changes;
- (D) Electrical/electronic component replacement; and,

- (E) Belts and hoses.
- (2) For Electric vehicles:
- (A) Replace auxiliary battery;
- (B) Replace hoses or coolant, not affecting high voltage circuits or components;
- (C) Replace brake and suspension components not linked to any high voltage circuits or components
- (d) Non-certified individuals participating in a agency authorized training program, under the guidance of a state certified instructor, are exempt from the certification requirement during the training period.

580:55-7-2. [RESERVED]

580:55-7-3. Standards for equipment and fill station installation and inspection

- (a) The standards for the equipment installation and inspection of liquefied petroleum gases adopted by NFPA are published in the latest edition of its pamphlet No. 58.
- (b) The standards for the equipment and compression installation and inspection of compressed natural gas vehicular fuel systems adopted by NFPA are published in the latest edition of its pamphlet No. 52.
- (c) The standards for the infrastructure for the purpose of the equipment installation and inspection of compressed natural gas vehicular fuel systems adopted by NFPA are published in the latest edition of its pamphlet No. 30 A.

580:55-7-4. Decals and conversion reporting procedure

- (a) After an alternative fuel conversion or modification of equipment is completed for any motor vehicle, the technician shall affix a blue CNG diamond, black propane diamond or green EV diamond, whichever is applicable, according to NFPA pamphlet No. 52.
- (b) No certified technician shall install, service, repair or modify any motor vehicle, capable of operating on an alternative fuel that does not have the required decals.
- (c) Converted alternative fueled vehicles and OEM alternative fueled vehicles shall have placed on the vehicle, decals & labels required by NFPA and the following:
- (1) The date of installation;
- (2) The name of the installing technician; and,
- (3) State of Oklahoma Certification number of the alternative fuels equipment technician.
- (4) The expiration date of time sensitive parts and components used in the conversion.
- (5) Converted vehicle information: year, make, model, and vehicle identification number (VIN).
- (6) New gross vehicle weight (GVW)
- (d) The following reporting procedure must be performed after each vehicle conversion:
- (1) On forms, provided by the Administrator, each vehicle converted shall be reported to the Administrator by the alternative fuels technician. Information deemed necessary by the agency shall be included on the form. These forms must be sent to the Administrator no later than ten

(10) days after the completion of the conversion. Photocopying of these forms is permissible.

(2) The penalty for failure to comply with 580:55-7-3(d)(1) shall be determined by the Board.

SUBCHAPTER 9. VIOLATIONS

580:55-9-1. Alternative Fuels Technician Hearing Board; complaints, investigations, false or fraudulent representation, suspension or revocation of certificate

(a) The Agency and person or persons designated by the Agency Director shall act as the Alternative Fuels Technician Hearing Board and shall comply with the provisions of the Administrative Procedures Act.

(b) The Board may, upon its own motion, and shall, upon written complaint filed by any person, investigate the business transactions of any certified alternative fuels equipment or compression technician.

(c) The Board shall suspend or revoke any certificate or registration obtained by false or fraudulent representation.

(d) The Board shall also suspend or revoke any certificate or registration for any of the following reasons:

(1) Making a material misstatement in the application for a certificate or registration, or the renewal of a certificate or registration;

(2) Loaning or illegally using a certificate;

(3) Demonstrating incompetence to act as an alternative fuels equipment or compression technician;

(4) Violating any provisions of the Alternative Fuels Technician Certification Act, or any rule or order prescribed by the agency; or

(5) Willfully failing to perform normal business obligations without justifiable cause.

(e) The Board shall convene at the request of the committee and/or the agency director and shall have as its counsel the general counsel of the agency.

(f) The Board shall authorize the general counsel to investigate the matter or matters being considered by the Board.

(g) The General Counsel of the Agency may elect to delegate the investigation to a person or persons of his choice.

(h) Investigations are to be secret until presented to the Board for recommendations.

(i) Upon the review of the facts of the investigation, the Board may determine whether or not to hear a case.

(j) The Board and its activities shall comply with the Administrative Procedures Act.

(k) Any person whose Alternative Fuels Equipment or Compression Technician Certificate has been revoked by the Board may apply for a new certificate one (1) year from the date of such revocation.

580:55-9-2. [RESERVED]

580:55-9-3. Violations; criminal penalties

(a) Any person convicted of violating any provision of the Alternative Fuels Technician Certification Act shall be guilty of a misdemeanor.

(b) The continued violation of any provision of the Alternative Fuels Technician Certification Act during each day shall be deemed to be a separate offense.

(c) Upon conviction thereof the person shall be punished by imprisonment in the county jail not to exceed one (1) year, or by a fine of not more than one thousand dollars (\$1,000.00) or by both such fine and imprisonment for each offense.

(d) If the Board makes a determination of a violation, it may request the appropriate district attorney to prosecute such violation and seek an injunction against such practice.

580:55-9-4. Violations to public safety

(a) Pursuant to the authority of 47 O.S. §12-101 A. 1., 47 O.S. §13-101, it shall be unlawful for any person to operate on any highway:

(1) A vehicle that has not been converted according to, or does not meet the standards stated in section 580:55-7-9;

(2) An OEM alternative fueled vehicle that fail the manufacturer's standards.

(b) An alternative fuels technician shall notify the Administrator within three (3) business days of any instance where the driver and, or owner of a vehicle that was found unsafe refused to correct safety issues with a vehicle.

580:55-9-5. Violations; civil penalties; determination of penalty amount; surrender of certificate in lieu of fine

(a) Any person who has been determined by the Board to have violated any provision of the Alternative Fuels Technician Certificate Act or any rule or order issued pursuant to the provisions of the Alternative Fuels Technician Certification Act may be liable for a civil penalty of not more than one hundred dollars (\$100.00) for each day that said violation occurs.

(b) The maximum civil penalty shall not exceed one thousand dollars (\$10,000) for any related series of violations.

(c) The amount of the penalty shall be assessed by the Board pursuant to the provisions of 580:55-9-1, after notice and hearing.

(d) In determining the amount of the penalty, the Board shall include but not be limited to, consideration of the nature, circumstances, and gravity of the violation and, with respect to the person or persons found to have committed the violation, the degree of culpability and any show of good faith in attempting to achieve compliance with the provisions of the Alternative Fuels Technician Certification Act.

(e) All monies collected from such civil penalties shall be deposited with the State Treasurer of Oklahoma and placed in the Alternative Fuels Technician Certification Revolving Fund.

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(f) Any certificate holder may elect to surrender his certificate in lieu of said fine but shall be forever barred from obtaining a reissuance of said certificate.

[OAR Docket #12-823; filed 6-22-12]

TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 61. OKLAHOMA STATE GOVERNMENT ASSET REDUCTION AND COST SAVINGS PROGRAM

[OAR Docket #12-824]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

580:61-1-1 [NEW]
580:61-1-2 [NEW]
580:61-1-3 [NEW]

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The Department of Central Services; 74 O.S. §61.7(D).

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None.

INCORPORATIONS BY REFERENCE:

None.

CONTACT PERSON:

Melissa Milburn, Administrator, State Leasing and Real Estate Management, (405) 521-3819.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., §308.1(A), WITH AN EFFECTIVE DATE OF JULY 26, 2012:

580:61-1-1. Purpose

The purpose of this Chapter is to provide information and procedures for state agencies, boards, commissions and public trusts to ensure compliance with the State Government Asset

Reduction and Cost Savings Program. 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 to enable 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.

580:61-1-2. Definitions

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

"Administrator" means the Administrator of the Department of Central Services.

"Agency" means any state agency, board, commission or public trust having the State of Oklahoma as a beneficiary.

"Appraisal" means the practice of developing and reporting an opinion of the value of real property in conformance with the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

"Data.ok.gov website" means Oklahoma's official website that allows users to download state files for analysis.

"Forms" means documents the Administrator of the Department of Central Services prescribes and requires state agencies, boards, commissions, public trusts to use to provide information to DCS.

"Real Property" means land, and generally whatever is erected growing upon or affixed to land; also rights issuing out of, annexed to, an exercising in or about land.

"Real Property Inventory" means a comprehensive list of property submitted by the state agencies, boards, commissions, and public trusts listing all real property owned, the value of the property and any underutilized property.

"State-owned properties" means all property lawfully appropriated by the state to its own use; all property dedicated to the state and all property which there is no other owner.

"Underutilized property" means an entire property or portion thereof, with or without improvements, which is used only at irregular periods or intermittently by the accountable landholding agency for current program purposes of that agency, or which is used for current program purposes that can be satisfied with only a portion of the property. Underutilized property may include: Undeveloped land; office buildings; warehouses; commercial and industrial facilities; military holdings; and residences.

580:61-1-3. Requirements of law; agency responsibility

(a) **General.** In accordance with section 61.7 (D), each state agency, board, commission and public trust having the State of Oklahoma as a beneficiary shall submit all information requested concerning the state-owned properties the recipient of the request controls, uses, or for which the recipient accounts, to the Department of Central Services within 60 days of the date the request is electronically sent. Each state agency that

receives a request for data from the Department of Central Services pursuant to the Asset Reduction and Cost Savings Program is required to fully respond to the request.

(b) **Information Format.** The information contained in the response shall be in electronic form in the format designated by the Department of Central Services within the request. Forms or instructions will be developed by for use by the agencies to facilitative requirements of this chapter. The Real Estate division of the Department of Central Services shall publish the forms on the agency website and provide forms upon request.

(c) **Extension.** Additional time to respond may be granted by the Administrator or a designee, only upon a written request made ten (10) days before the expiration of the date the response is originally due. The request for extension shall include the reasons any extension is necessary and shall list the information that is not available without an extension. Such requests may or may not be granted by the Administrator.

(d) **Non-Responsive.** In the event that any agency receives a request and fails to timely respond with the information required, the recipient will be listed as nonresponsive in the report provided to the Legislature and will be published on the "data.ok.gov" website.

[OAR Docket #12-824; filed 6-22-12]

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

[OAR Docket #12-807]

RULEMAKING ACTION:

PERMANENT final adoption

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]

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

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INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

Rules are 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)].

Outdated provisions requiring submission of documents to the Office of Administrative Rules (OAR) on floppy disk are 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 stricken from the rules.

Rules are also 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 updated to reflect recent changes in statutes.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF AUGUST 1, 2012:

SUBCHAPTER 1. GENERAL PROVISIONS

655:10-1-2. Definitions

In addition to terms defined in 75 O.S., Section 250.3, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"APA" means the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

"ARR" means the Administrative Rules on Rulemaking, OAC 655:10.

"Agency" means any constitutionally or statutorily created state board, bureau, commission, office, authority, public trust in which the state is a beneficiary, or interstate commission [75:250.3(3)] with authority for rulemaking. Except, "agency" does not include the Legislature or any branch, committee or officer thereof, [or] . . . the courts [75:250.3(3)]. [See also definition of "rulemaking entity" in this Section]

"Amendment" means a revision which adds, modifies, or deletes characters, numbers, letters, words, phrases, sentences, spaces, or punctuation in an existing section.

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"Appendix" means a division of the OAC which contains one or more "graphics" (as defined in this Section). Appendices are placed at the end of a Chapter. [See 655:10-3-37]

"Attestation" means certification by an agency as *to the correctness of copies of any rule . . . and that such rules were made and adopted if the rules are emergency* [or preemptive] *rules or finally adopted if the rules are permanent rules in substantial compliance with the Administrative Procedures Act* [75:254]. [See 655:10-7-16 (relating to attestations)]

"Chapter" means a division of the OAC which designates a broad area of regulatory control within an agency's Title. [See also 655:10-3-22 (relating to Chapter numbers and headings)]

"Code" means the publication authorized in 75 O.S., Section 256 and known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S., Section 256(A)(1)(a) and maintained in the OAR. [See also definition of "OAC" in this Section]

"Codification date" means the date a rule was accepted for inclusion in the first official compilation of codified rules authorized by 75 O.S., Section 256(A)(1)(a); except, the date of codification for subsequently promulgated new rules is the effective date of the permanent rulemaking action which establishes the rules.

"Docket number" means the identification number assigned to a document upon its receipt in the OAR. [See 655:10-15-4 (relating to docket numbers)]

"Document" means the total body of information required by APA and ARR to be submitted for each rulemaking action or executive order to be published in the Register. [See also Part 9 of Subchapter 7 of this Chapter (relating to scope of a document)]

"Document heading" means the two-part heading required at the beginning of each notice document or rule document submitted to the OAR. [See 655:10-7-3 (relating to document headings)]

"Emergency rule" means a "rule," as defined in the APA, which must be approved by the Governor under the special provisions of 75 O.S., Section 253 prior to promulgation of the rule.

"Enacting clause" means the portion of a rule document which proclaims the agency's rulemaking action and introduces regulatory text. [See 655:10-7-13 (relating to enacting clauses)]

"Existing rule" means an effective rule.

"Graphics" means tabular material, forms, illustrations, diagrams, maps, charts, graphs, figures, or other pictorial material. [See 655:10-3-37 (relating to graphics and appendices)]

"Notice document" means a "document," as defined in this Section, which contains one of the following notices:

(A) Notice of rulemaking intent [75:303(A),(B),(C)].

(B) Notice of cancelled hearing or comment period [655:10-7-27].

(C) Notice of continued hearing or comment period [655:10-7-28].

(D) Statement of submission of permanent rules for gubernatorial and legislative review [75:303.1(C)].

(E) Notice of gubernatorial approval of permanent rules [75:303.2(A)(1)].

(F) Notice of gubernatorial disapproval of permanent rules [75:303.2(A)(2)].

(G) Notice of legislative disapproval of rules [75:308(C) and 655:10-7-32].

(H) Notice of withdrawn rules [75:308~~(F)~~(G) and 655:10-7-33].

(I) Notice of error in published document [655:10-7-35].

"OAC" means the publication authorized by 75 O.S., Section 256 and known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S., Section 256(A)(1)(a) and maintained in the OAR. [See also definition of "Code" in this Section]

"OAC number" means a Title, Chapter, Subchapter, Part, or Section number, or Appendix letter designation.

"OAR" means the Office of Administrative Rules. [See also definition of "Office of Administrative Rules" in this Section]

"Office of Administrative Rules" means the office, created pursuant to 75 O.S., Section 250.9 within the Office of the Secretary of State, with the *primary responsibility for publishing "The Oklahoma Register" and the "Oklahoma Administrative Code" and otherwise implementing the provisions of Article I of the Administrative Procedures Act* [75:250.9]. [See also definition of "OAR" in this Section]

"Paragraph" means the second level of subdivision in a Section; a paragraph is a subdivision of a subsection in a Section. [See 655:10-3-25 (relating to Section subdivisions)]

"Part" means a division of the OAC which contains a group of Sections related to the same subject within a Subchapter. [See also 655:10-3-23 (relating to Part numbers and headings)]

"Permanent rule" means a "rule," as defined in the APA, which must be reviewed by the Governor and the Legislature pursuant to 75 O.S., Sections 303.1, 303.2, and 308 prior to promulgation of the rule. [See also 655:10-7-10 (relating to types of rules)]

"Preamble" means the portion of a rule document that summarizes the rule(s) and the history of the rulemaking action, cites legal authority, and functions as a preface to the rule(s). [See 655:10-7-11 (relating to preambles)]

"Preemptive rule" means a "rule," as defined in the APA, which is adopted by the Commission for Human Services and which must be approved by the Governor under the special provisions of 75 O.S., Section 250.6 prior to promulgation of the rule.

"Proposed rule" means an emergency or preemptive rule prior to approval by the Governor, or a permanent rule prior to final adoption [see 75:250.3~~(4)~~(5) (relating to final adoption)].

"Register" means the publication authorized in 75 O.S., Section 255 and known as The Oklahoma Register, successor publication to The Oklahoma Gazette.

"Regulatory text" means the language of any "rule," as defined in 75 O.S., Section 250.3~~(15)~~(17) and this Section; any text, including graphics, which requires promulgation.

"Revocation" or "revoke" means the repeal of an existing rule (i.e., Section or Appendix) in its entirety.

"Rule" means a Section or Appendix [see also definition of "rule" in 75 O.S., Section 250.3(15)(17)].

"Rule document" means a "document," as defined in this Section, which contains an emergency or preemptive adoption, or a permanent final adoption, of new rules or amendments to or revocations of existing rules.

"Rulemaking action" means any procedure, act, or occurrence, except executive orders, which must be announced in or published in the Register or Code under APA or ARR provisions, including:

- (A) Notice of rulemaking intent [75:303(A),(B),(C)].
- (B) Notice of cancelled hearing or comment period [655:10-7-27].
- (C) Notice of continued hearing or comment period [655:10-7-28].
- (D) Final adoption of a permanent rule(s) [75:308.1 and 75:251(B)].
- (E) Promulgation of an emergency rule(s) [75:253].
- (F) Promulgation by the Commission for Human Services of a preemptive rule(s) [75:250.6].
- (G) Submission of a proposed permanent rule(s) for gubernatorial and legislative review [75:303.1(C)].
- (H) Approval of a proposed permanent rule(s) by the Governor [75:303.2(A)(1)].
- (I) Disapproval of a proposed permanent rule(s) by the Governor [75:303.2(A)(2)].
- (J) Disapproval of a rule(s) by the Legislature [75:308(C)].
- (K) Withdrawal of a proposed rule from the rule-making process [75:308(F)(G) and 655:10-7-33].
- (L) Notice of error in a published document [655:10-7-35].

"Rulemaking entity" means the board, commission, officer, or other person or entity legally authorized to adopt and promulgate "rules," as defined in 75 O.S., Section 250.3(15)(17).

"Section" means a "rule," as defined in 75 O.S., Section 250.3(15)(17). A Section is a division of the OAC which contains an agency statement(s) about a specific regulatory topic within a Chapter, Subchapter, or Part. [See 655:10-3-24 (relating to Section numbers and taglines)]

"Section subdivision" means any one of five possible levels into which a Section may be separated. A maximum of five levels of Section subdivisions may be used in a Section [see 655:10-3-25 (relating to Section subdivisions)]:

- (A) Subsections
- (B) Paragraphs
- (C) Subparagraphs
- (D) Units
- (E) Subunits

"Section text" means the "regulatory text" (as defined in this Section) which follows the Section number and tagline in a Section.

"Source note" means the record of rulemaking history which follows a Section, an Appendix, or a Subchapter or Chapter table of contents in the Code. Source notes track the administrative history of a rule. [See 655:10-17-6 (relating to Chapter, Subchapter, and Section/Appendix source notes)]

"Strikeout" means a solid or dashed horizontal line through deleted regulatory text.

"Subchapter" means a division of the OAC which contains a group of Sections related to the same general subject area within a Chapter. [See 655:10-3-23 (relating to Subchapter numbers and headings)]

"Subparagraph" means the third level of subdivision within a Section; a subparagraph is a subdivision of a paragraph in a Section. [See 655:10-3-25 (relating to Section subdivisions)]

"Subsection" means the first level of subdivision in a Section. [See 655:10-3-25 (relating to Section subdivisions)]

"Subunit" means the fifth level of subdivision within a Section. A subunit is a subdivision of a unit in a Section; it is the smallest possible subdivision of a Section. [See 655:10-3-25 (relating to Section subdivisions)]

"Title" means the broadest division of the OAC; a Title contains all rules of an agency. [See 655:10-3-21 (relating to Title numbers and headings)]

"Title 59 agency" means an agency, board, or commission created by or that receives its authority from Title 59 of the Oklahoma Statutes [75:308(F)].

"Title 59 rules" means rules of a "Title 59 agency," as defined in this section.

"Unit" means the fourth level of subdivision within a Section; a unit is a subdivision of a subparagraph in a Section. [See 655:10-3-25 (relating to Section subdivisions)]

"Working day" means any day except Saturday, Sunday, or a legal holiday for state employees as proclaimed by the Governor.

SUBCHAPTER 7. PREPARATION OF DOCUMENTS

PART 1. GENERAL PROVISIONS

655:10-7-1. Types of documents; excluded documents

(a) Rulemaking documents. Notice and rule documents published in the Register are legal instruments through which a rulemaking entity revises its existing rules, or enacts new rules.

(1) Notice documents. Notice documents announce an agency's intention to adopt rules or the agency's compliance with certain other steps in the rulemaking process. Notice documents are published in the Register but are not included in the Code. [See Part 5 of this Subchapter (relating to notice documents)]

(2) Rule documents. Rule documents announce final adoption of permanent rules [75:250.3(4)(5); 75:308.1(A)], or adoption of emergency or preemptive rules [75:253; 75:250.6].

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- (A) **Permanent, preemptive rules.** Inclusion of a rule in the Code requires prior publication in a rule document in the Register as a finally adopted permanent rule or as an adopted preemptive rule that has been approved by the Governor.
- (B) **Emergency rules.** Emergency rules are published in the Register but are not included in the Code.
- (b) **Miscellaneous documents, including executive orders.** In addition to rulemaking documents, executive orders and certain other miscellaneous documents, if expressly required by law [see (c) of this section], are published in the Register. Executive orders are published in both the Register and the Code.
- (c) **Excluded documents.** Notices or other documents which are not expressly required by law to be published in the Register or the Code shall not be published in the Register or the Code.

PART 3. RULE DOCUMENTS

655:10-7-11. Preamble

- (a) **Use; location; format.**
- (1) **Use.** Each rule document submitted for Register publication, and each emergency or preemptive rule document submitted to the Governor and the Legislature, must begin with a document heading [see 655:10-7-3], followed by a preamble prepared pursuant to this Section. The preamble is followed by the enacting clause [see 655:10-7-13]; except, if the text of the rules exceeds 75 pages, the preamble is followed by the summary [see 655:10-7-12]. [See also 655:10-7-51 (relating to rule document scope)]
- (2) **Location.** The preamble begins two single spaces below the document heading [see 655:10-7-3].
- (3) **Format.**
- (A) The preamble must be single-spaced.
- (B) The preamble must include the headings and information required in (b) of this Section, formatted pursuant to the following:
- (i) Begin each heading and subheading at the left margin.
- (ii) Begin the contents required for each heading and subheading on the first line below the heading or subheading.
- (iii) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **RULES** [see (b)(2) of this Section], begin each rule number on a separate indented line under the heading.
- (b) **Content.** The preamble must be prepared in the style described in (a)(3) of this Section and must contain the following headings and information:
- (1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type one of the following:
- (A) If permanent rules, type "PERMANENT final adoption."

- (B) If emergency rules, type "EMERGENCY adoption."
- (C) If preemptive rules, type "PREEMPTIVE adoption."
- (2) **Rules.** Under the bolded heading "**RULES:**", identify adopted rules (if emergency or preemptive) or finally adopted rules (if permanent) pursuant to the following:
- (A) **Less than 30 Sections/Appendices affected.** If less than 30 Sections and/or Appendices are added, amended, revoked, renumbered, and/or reserved:
- (i) cite each Section and Appendix, followed by the word [NEW], [AMENDED], [REVOKED], [RENUMBERED], [AMENDED AND RENUMBERED], or [RESERVED]. If consecutive Sections or Appendices are added, amended, revoked, renumbered, or reserved, they may be grouped together (e.g., 10:10-1-5 through 10:10-1-9 [AMENDED]; 10:10-1-10 and 10:10-1-11 [REVOKED]; 10:10-1-15 through 10:10-1-17 [NEW]; Appendix C through Appendix G [NEW]), and
- (ii) include all applicable Subchapter and Part numbers and headings, and add [NEW] or [REVOKED] following the headings of Subchapter and Parts that are added or revoked. If a heading is being amended, identify the changes using strikeouts and underscoring as described in 655:10-5-3(b).
- (B) **30 or more Sections/Appendices affected.** If 30 or more Sections and/or Appendices are added, amended, revoked, renumbered, and/or reserved:
- (i) cite the Chapter number and heading, rather than citing each Section and Appendix, and:
- (ii) identify whether the Chapter itself is new, amended, or revoked, as follows:
- (I) **New Chapter.** If the Chapter is a new Chapter, add the word [NEW] following the Chapter number and heading.
- (II) **Revoked Chapter.** If the entire Chapter is revoked (i.e., every Section and Appendix in the Chapter, except those previously reserved, renumbered, or revoked, is being revoked), add the word [REVOKED] following the Chapter number and heading.
- (III) **Amended Chapter.** If an existing Chapter is amended (i.e., Sections/Appendices are added, amended, revoked, renumbered, and/or reserved), add the word [AMENDED] following the Chapter number and heading. If the Chapter heading is being amended, identify the changes using strikeouts and underscoring as described in 655:10-5-3(b).
- (3) **Authority.** Under the bolded heading "**AUTHORITY:**":
- (A) identify the rulemaking entity, as defined in 655:10-1-2, and
- (B) cite the statute or other legal instrument which authorizes the promulgation of rules for this area of control, or the statute or other legal instrument which

authorizes the rules. Do not cite APA statutes which authorize rulemaking procedures except when promulgating "required rules" pursuant to 655:10-5-7.

~~(4)~~ **Dates.** Under the bolded heading "**DATES:**", identify each of the following dates which apply to the rule-making action.

~~(A4)~~ **Comment period.** Under the bolded subheading "**Comment period:**", cite one of the following:

~~(iA)~~ **Permanent rules.** If the rules are permanent rules, cite the beginning date and ending date of the comment period announced in the published Notice of Rulemaking Intent.

~~(iiB)~~ **Emergency, preemptive rules.** If the rules are emergency or preemptive rules AND if a comment period was announced in a published Notice of Rulemaking Intent, cite the beginning date and ending date of the comment period. **Do not include** this subheading or this information if no comment period was held or announced in the Register for the emergency or preemptive rules.

~~(B5)~~ **Public hearing.** Under the bolded subheading "**Public hearing:**", cite one of the following:

~~(iA)~~ **Permanent rules.** If the rules are permanent rules, cite one of the following:

~~(i)~~ the date of the public hearing, if one was announced in a published Notice of Rulemaking Intent, or

~~(ii)~~ "None held or requested" if a public hearing was not scheduled and not demanded pursuant to 75 O.S., Section 303(C).

~~(iiB)~~ **Emergency, preemptive rules.** If the rules are emergency or preemptive rules AND if a public hearing was announced in a published Notice of Rulemaking Intent, cite the date of the public hearing. **Do not include** this subheading or this information if no public hearing was held or announced in the Register for the emergency or preemptive rules.

~~(C6)~~ **Adoption.** Under the bolded subheading "**Adoption:**", cite the date the rules were adopted by the rulemaking entity.

~~(D7)~~ **Submitted to Governor.**

~~(iA)~~ **Permanent rules.** If the rules are permanent rules, under the bolded subheading "**Submitted to Governor:**", cite the date the permanent rules were submitted to the Governor for review.

~~(iiB)~~ **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this ~~subpara-~~~~graph~~~~paragraph~~.

~~(E8)~~ **Submitted to House.**

~~(iA)~~ **Permanent rules.** If the rules are permanent rules, under the bolded subheading "**Submitted to House:**", cite the date the permanent rules were submitted to the Speaker of the House of Representatives for review.

~~(iiB)~~ **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the

subheading or information described in this ~~subpara-~~~~graph~~~~paragraph~~.

~~(F9)~~ **Submitted to Senate.**

~~(iA)~~ **Permanent rules.** If the rules are permanent rules, under the bolded subheading "**Submitted to Senate:**", cite the date the permanent rules were submitted to the President Pro Tempore of the Senate for review.

~~(iiB)~~ **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this ~~subpara-~~~~graph~~~~paragraph~~.

~~(G10)~~ **Gubernatorial approval.**

~~(iA)~~ **Permanent rules.** If the rules are permanent rules AND if the permanent rules were approved by the Governor, under the bolded subheading "**Gubernatorial approval:**", cite the date the rules were approved by the Governor. **Do not include** this subheading or this information if the permanent rules were disapproved rather than approved by the Governor [see ~~(H)(11)~~ of this ~~paragraph~~~~subsection~~ for information required for gubernatorial disapprovals].

~~(iiB)~~ **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this ~~subpara-~~~~graph~~~~paragraph~~.

~~(H11)~~ **Gubernatorial disapproval.**

~~(iA)~~ **Permanent rules.** If the rules are permanent rules AND if the permanent rules were disapproved by the Governor [see ~~(G)(10)~~ of this ~~para-~~~~graph~~~~subsection~~ for information required for gubernatorial approvals], under the bolded subheading "**Gubernatorial disapproval:**", cite one of the following:

~~(i)~~ the date the permanent rules were disapproved by the Governor, or

~~(ii)~~ "Failure of the Governor to approve the rules resulted in disapproval of the rules on (date)." [see 75:303.2(A)(2); see also 655:10-7-31]

~~(iiB)~~ **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this ~~subpara-~~~~graph~~~~paragraph~~.

~~(I12)~~ **Legislative approval.**

~~(iA)~~ **Permanent rules.** If the rules are permanent rules, under the bolded subheading "**Legislative approval:**", cite one of the following:

~~(i)~~ **Title 59 rules; fees.** If the rules are Title 59 rules or rules that establish or increase fees, cite "Approved [date Governor signed Legislature's joint resolution approving the rules OR, if resolution was vetoed by Governor, date veto was overridden by Legislature] by [number of joint resolution]" [see 75:308(F)].

~~(ii)~~ **All other rules.** If the rules are NOT Title 59 rules or rules that establish or increase fees, cite one of the following:

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(I) "Approved [effective date of joint or concurrent resolution approving the permanent rule(s)] by [number of joint or concurrent resolution]," or

(II) "Failure of the Legislature to disapprove the rule(s) resulted in approval on (date)" [see 75:308(E)], or

(III) "Approved [effective date of joint or concurrent resolution waiving Legislature's review period] by [number of joint or concurrent resolution], waiving the Legislature's thirty legislative-day review period" [see 75:308(B)(2)(b)].

(~~ii~~B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or the information described in this ~~subparagraph~~ paragraph.

(~~J~~13) **Final adoption.**

(~~i~~A) **Permanent rules.** If the rules are permanent rules, under the bolded subheading "**Final adoption**", cite the date of final adoption.

(~~ii~~B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this ~~subparagraph~~ paragraph.

(~~K~~14) **Effective.** Under the bolded subheading "**Effective**", cite one of the following:

(~~i~~A) **Permanent rules.** If the rules are permanent, cite the specific effective date of the rules. Do not cite "ten days after publication in the Register."

(~~ii~~B) **Emergency rules.** If the rules are emergency, cite one of the following:

(~~ii~~i) If the emergency rules will be effective immediately upon approval by the Governor, type "Immediately upon Governor's approval";

(~~ii~~ii) If the emergency rules will be effective on a specific date that falls within the Governor's 45 calendar-day review period, but is contingent upon whether or not the Governor has already approved the rules, type "Immediately upon Governor's approval or (specific date), whichever is later"; or

(~~ii~~iii) If the emergency rules will be effective on a specific date that follows the completion of the Governor's 45 calendar-day review period, type the specific effective date. [see 75:253(~~D~~)(~~F~~)(1)]

(~~iii~~C) **Preemptive rules.** If the rules are preemptive, cite one of the following:

(~~iii~~i) If the preemptive rules will be effective immediately upon approval by the Governor, type "Immediately upon Governor's approval";

(~~iii~~ii) If the preemptive rules will be effective on a specific date that falls within the Governor's 28 calendar-day review period, but is contingent upon whether or not the Governor has already approved the rules, type "Immediately upon Governor's approval or (specific date), whichever is later"; or

(~~iii~~iii) If the preemptive rules will be effective on a specific date that follows the completion of the

Governor's 28 calendar-day review period, type the specific effective date. [see 75:250.6(B)(6)]

(~~L~~15) **Expiration.**

(~~i~~A) **Emergency rules.** If the rules are emergency rules, under the bolded subheading "**Expiration**", cite one of the following:

(~~ii~~i) If the emergency rules are *in effect on the first day of the session* and therefore *shall be null and void on July 15 immediately following sine die adjournment of the Legislature* [75:253(H)(3)(a)], type "Effective through July 14, (year), unless superseded by another rule or disapproved by the Legislature."

(~~ii~~ii) If the agency designates an earlier expiration date pursuant to 75 O.S., Section 253(H)(2)(d), type "Expires (date), unless superseded by another rule or disapproved by the Legislature."

(~~ii~~B) **Permanent, preemptive rules.** If the rules are permanent or preemptive rules, do not include the subheading or information described in (~~i~~A) of this ~~subparagraph~~ paragraph.

(~~S~~16) **Superseded emergency actions; expired emergency rules.**

(A) Under the bolded heading "**SUPERSEDED EMERGENCY ACTIONS**", cite one of the following:

(i) **Rules that do NOT supersede emergency rules.** If the rules are permanent, emergency, or preemptive rules and do not supersede any emergency rules, type "n/a."

(ii) **Rules that DO supersede emergency rules.** If the rules are permanent, emergency, or preemptive rules and do supersede an emergency action, include the information in (I) through (IV) of this unit. If more than one emergency action is being superseded, repeat (I) through (IV) for each action.

(I) **Superseded rules.** Under the bolded subheading "**Superseded rules**", identify the superseded emergency rules by citing each Section and Appendix being superseded, followed by the word [NEW], [AMENDED], [REVOKED], [RENUMBERED], [AMENDED AND RENUMBERED], or [RESERVED].

(II) **Gubernatorial approval.** Under the bolded subheading "**Gubernatorial approval**", cite the date the superseded emergency rules were approved by the Governor.

(III) **Register publication.** Under the bolded subheading "**Register publication**", include the full citation to the Register publication of the superseded emergency rules. [see 655:10-15-6 (relating to citing the Register)]

(IV) **Docket number.** Under the bolded subheading "**Docket number**", cite the docket number assigned to the rule document which contains the superseded emergency rule(s).

(B) If a Section or Appendix was added, revoked, amended, reserved, or renumbered by emergency rulemaking and will not be superseded by a permanent or preemptive action prior to its expiration, the agency must notify the OAR pursuant to 655:10-5-6(d).

(617) **Incorporations by reference.** Under the bolded heading "INCORPORATIONS BY REFERENCE:", cite one of the following:

(A) **Rules that do NOT incorporate by reference.** If the rules do not incorporate any standards or rules by reference, type "n/a." [See 75:251(D) and 655:10-5-15 relating to incorporations by reference]

(B) **Rules that DO incorporate by reference.** If the rules incorporate by reference the published standards or rules of nationally recognized organizations and technical societies, other state agencies, or federal agencies pursuant to 75 O.S., Section 251(D) and 655:10-5-15, include the information in (i) through (iii) of this subparagraph.

(i) **Incorporated standards.** Under the bolded subheading "Incorporated standards:", identify the incorporated standards by the proper title, edition, volume number, date, etc.

(ii) **Incorporating rules.** Under the bolded subheading "Incorporating rules:", identify the Section(s) or Appendix(ces) which incorporates the standards by reference.

(iii) **Availability.** Under the bolded subheading "Availability:", cite the hours when and the place where the standards are *readily available to the public for examination at the administrative offices of the agency* [75:251(D)].

(718) **Finding of emergency.**

(A) **Emergency rules.** If the rules are emergency rules, under the bolded heading "FINDING OF EMERGENCY:", describe the *imminent peril . . . to the preservation of the public health, safety, or welfare, or . . . compelling public interest* include substantial evidence that the rule is necessary as an emergency measure [75:253(A)(1)], based on criteria set out in 75 O.S., Section 75:253(A) which necessitates the promulgation of the emergency rule.

(B) **Permanent, preemptive rules.** If the rules are permanent or preemptive rules, do not include the heading or information described in this paragraph.

(819) **Analysis.** Under the bolded heading "ANALYSIS:", prepare, in plain language, an analysis of new or amended rules [75:251(B)(2)(f)]. The analysis shall include but not be limited to:

(A) a reference to any statute that the rule interprets, any related statute or any related rule [75:251(B)(2)(f)], and

(B) a reference to any rule requiring a new or revised form [75:251(B)(2)(e)].

(920) **Contact person.** Under the bolded heading "CONTACT PERSON:", include the name and phone

number of a contact person for information regarding the rulemaking action.

655:10-7-13. Enacting clause

Beginning two single spaces below the preamble [see 655:10-7-11] or the summary (if required) [see 655:10-7-12], type an enacting clause pursuant to this Section. Type the enacting clause in uppercase letters beginning at the left margin.

(1) **Permanent rules.** If the rules are permanent rules, type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF (date):

(2) **Emergency rules.** If the rules are emergency rules, type one of the following enacting clauses:

(A) If the effective date cited by the agency in the preamble of the emergency rule document is "Immediately upon Governor's approval" [as described in 655:10-7-11(b)(4)(K)(ii)(I)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D)(F):

(B) If the effective date cited by the agency in the preamble of the emergency rule document is "Immediately upon Governor's approval or (date), whichever is later" [as described in 655:10-7-11(b)(4)(K)(ii)(II)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D)(F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR (date), WHICHEVER IS LATER:

(C) If the effective date cited by the agency in the preamble of the emergency rule document is a specific date that follows the completion of the Governor's review period [as described in 655:10-7-11(b)(4)(K)(ii)(III)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D)(F), WITH A LATER EFFECTIVE DATE OF (date):

(3) **Preemptive rules.** If the rules are preemptive rules, type one of the following enacting clauses:

(A) If the effective date cited by the agency in the preamble of the preemptive rule document is "Immediately upon Governor's approval" [as described in 655:10-7-11(b)(4)(K)(iii)(I)], type the following enacting clause: PURSUANT TO THE ACTIONS

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DESCRIBED HEREIN, THE FOLLOWING PRE-EMPTIVE RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 250.6(B)(6):

(B) If the effective date cited by the agency in the preamble of the preemptive rule document is "Immediately upon Governor's approval or (date), whichever is later" [as described in 655:10-7-11(b)(4)(K)(iii)(II)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PRE-EMPTIVE RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 250.6(B)(6), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR (date), WHICHEVER IS LATER:

(C) If the effective date cited by the agency in the preamble of the preemptive rule document is a specific date that follows the completion of the Governor's review period [as described in 655:10-7-11(b)(4)(K)(iii)(III)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PRE-EMPTIVE RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 250.6(B)(6), WITH A LATER EFFECTIVE DATE OF (date):

PART 5. NOTICE DOCUMENTS

655:10-7-32. Notices of legislative disapproval

(a) **Use.** Upon disapproval of a rule by the Legislature pursuant to 75 O.S., Section 308, the agency must submit notice of such disapproval for publication in the Register. In addition, the agency must submit a copy of the joint or concurrent resolution, or other legislative instrument, disapproving the rules and, if applicable, a copy of the Governor's veto message and a copy of the Legislature's override measure. [See also 655:10-7-52 (relating to notice document scope)]

(b) **Format; document heading.** The Notice of Legislative Disapproval of Rules begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (c) of this Section, formatted pursuant to the following:

- (1) Begin each heading and subheading at the left margin.
- (2) Begin the contents required for each heading and subheading on the first line below the heading or subheading.
- (3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **RULES** [see (c)(2) of this Section], begin each rule number on a separate indented line under the heading.

(c) **Content.** A Notice of Legislative Disapproval of Rules must be prepared pursuant to the style required in (b) of this Section and must contain the following headings and information:

- (1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type one of the following:
 - (A) If the disapproved rules are permanent, type "Legislative disapproval of PERMANENT rules."
 - (B) If the disapproved rules are emergency, type "Legislative disapproval of EMERGENCY rules."
 - (C) If the disapproved rules are preemptive, type "Legislative disapproval of PREEMPTIVE rules."

(2) **Rules.** Under the bolded heading "**RULES:**", identify the disapproved rules as described in 655:10-7-11(b)(2).

(3) **Legislative disapproval.** Under the bolded heading "**LEGISLATIVE DISAPPROVAL:**", type one of the following:

(A) **Active disapproval.** If the Legislature disapproves by joint or concurrent resolution, type "(These rules were, This rule was) disapproved by the Legislature in (number of joint or concurrent resolution or other legislative instrument), effective (date)."

(B) **Inactive disapproval.** If the rules are Title 59 rules or rules that establish or increase fees, and the Legislature does not approve the rules by joint resolution prior to sine die adjournment, type "Failure of the Legislature to approve the (rule, rules) by joint resolution prior to the end of session resulted in disapproval on (date)."

(4) **Emergency rules terminated.** Under the bolded heading "**EMERGENCY RULES TERMINATED:**", type the following if the disapproved rules are permanent or preemptive rules which are based on effective emergency rules [75:253(H)(2)(c)]: "The following emergency rules are also terminated by this disapproval:"

(A) **Rules.** Under the bolded subheading "**Rules:**", identify each emergency rule terminated as a result of the disapproval.

(B) **Gubernatorial approval.** Under the bolded subheading "**Gubernatorial approval:**", cite the date or dates of emergency approval by the Governor.

(C) **Register publication.** Under the bolded subheading "**Register publication:**", type the docket number and the full citation to the Register publication of the emergency rules. [see 655:10-15-4 (relating to docket number) and 655:10-15-6 (relating to citing the Register)]

655:10-7-33. Notices of withdrawn rules

(a) **Withdrawal of permanent rules.** An agency may withdraw a permanent rule prior to its final adoption pursuant to 75 O.S., Section 308(F)(G). When an agency withdraws a permanent rule after its adoption but prior to its final adoption, the agency must submit a Notice of Withdrawn Rules pursuant to this Section, except as provided in (c) of this section.

(b) **Withdrawal of emergency rules.** An agency may withdraw an emergency rule prior to its approval by the Governor

pursuant to 75 O.S., Section 253(K). When an agency withdraws an emergency rule after its submission to the Governor but prior to its approval by the Governor, the agency must submit a Notice of Withdrawn Rules pursuant to this Section, except as provided in (c) of this section.

(1) If the agency published a Notice of Rulemaking Intent for the withdrawn emergency rule, the OAR will publish the Notice of Withdrawn Rules in the Register.

(2) If the agency did not publish a Notice of Rulemaking Intent for the withdrawn emergency rule, the OAR will not publish the Notice of Withdrawn Rules, but will retain the Notice in the official files.

(c) Filing exception for "resubmitted rules."

(1) Criteria for "resubmitted rules." When an agency discovers an error in a filing that has been submitted on the State Online Filing System ("System") for gubernatorial and legislative review, the System allows the agency to "resubmit" that filing, but only if:

(A) the agency resubmits the filing within 10 calendar days after the rules were adopted, and

(B) the agency first withdraws the original submission in the System. The agency may add the bolded heading "ADDITIONAL INFORMATION" to the Notice of Withdrawn Rules, which the System requires be prepared pursuant to this section. The agency may include information under this additional heading to explain that the rules, although withdrawn, are being resubmitted.

(2) Filing with OAR not required. When an agency withdraws and resubmits a filing on the System within 10 days after the rules were adopted, as described in (1) of this subsection, the agency should not submit a copy of the Notice of Withdrawn Rules to the OAR. If submitted, the OAR will not publish the Notice of Withdrawn Rules, but will retain the Notice in the official files.

(e) Format; document heading. The Notice of Withdrawn Rules begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in ~~(d)~~(e) of this Section, formatted pursuant to the following:

(1) Begin each heading and subheading at the left margin.

(2) Begin the contents required for each heading and subheading on the first line below the heading or subheading.

(3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **WITHDRAWN RULES** [see ~~(d)~~(e)(2) of this Section], begin each rule number on a separate indented line under the heading.

(de) Content. A Notice of Withdrawn Rules must be prepared pursuant to the style required in ~~(e)~~(d) of this Section and must contain the following headings and information:

(1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type one of the following:

(A) If the withdrawn rules are permanent, type "Withdrawal of PERMANENT rulemaking."

(B) If the withdrawn rules are emergency, type "Withdrawal of EMERGENCY rulemaking."

(2) **Withdrawn rules.** Under the bolded heading "**WITHDRAWN RULES:**", identify the withdrawn rules as described in 655:10-7-11(b)(2).

(3) **Dates.** Under the bolded heading "**DATES:**", identify any of the following dates which apply to the withdrawal.

(A) **Adoption.** Under the bolded subheading "**Adoption:**", cite the date the rules were adopted.

(B) **Submitted to Governor.** Include this subheading and information if rules are withdrawn after submission to the Governor. Under the bolded subheading "**Submitted to Governor:**", cite the date the rules were submitted to the Governor for review.

(C) **Submitted to House.** Include this subheading and information if the rules are permanent rules and are withdrawn after submission for legislative review. Under the bolded subheading "**Submitted to House:**", cite the date the rules were submitted to the Speaker of the House of Representatives for review.

(D) **Submitted to Senate.** Include this subheading and information if the rules are permanent rules and are withdrawn after submission for legislative review. Under the bolded subheading "**Submitted to Senate:**", cite the date the rules were submitted to the President Pro Tempore of the Senate for review.

(E) **Gubernatorial approval.** Include this subheading and information if the rules are permanent rules and are withdrawn after approval by the Governor but prior to approval by the Legislature (final adoption). Under the bolded subheading "**Gubernatorial approval:**", cite the date the rules were approved by the Governor.

(F) **Withdrawn.** Under the bolded subheading "**Withdrawn:**", cite the date the rules were withdrawn from the rulemaking process. This date is the date withdrawal notice is given to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.

SUBCHAPTER 9. SUBMISSION OF DOCUMENTS

655:10-9-1. Number of paper copies; electronic copies; special treatment of rule documents

(a) **Electronic preparation of documents.** All documents must be prepared using word processing software, as required by 655:10-7-2(1)(A).

(b) **Submission of documents.** When submitting a document to the OAR for publication in the Register, agencies shall submit the document as set forth in this subsection. [See also (c) of this Section for special treatment of rule documents.]

(1) **Paper copies.**

(A) **Rule documents.**

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(i) **Permanent rules.** ~~Submit~~ Within 30 calendar days after final adoption, submit two (2) originals, or one (1) original and one (1) copy, of permanent rule documents to the OAR. [See also (c) of this Section]

(ii) **Emergency rules.** ~~Submit one (1) original of emergency rule documents to the Governor.~~ Upon approval by the Governor, submit two (2) copies of the emergency rule document and the Governor's approval to the OAR. [See also (c) of this Section]

(iii) **Preemptive rules.** ~~Submit one (1) original of preemptive rule documents to the Governor.~~ Upon approval by the Governor, submit two (2) copies of the preemptive rule document and the Governor's approval to the OAR [75:250.6(B)(3)]. [See also (c) of this Section]

(B) **Notice documents.** Submit one (1) original of notice documents to the OAR. [75:303(B)]

(C) **Extra copies.** If an agency wishes to receive a stamped copy noting receipt and/or acceptance of a document, the agency should submit additional copies pursuant to 655:10-9-5 and 655:10-11-3.

(2) **Electronic copies.** Documents must also be submitted to the OAR in electronic form, as set forth in this paragraph; except, Appendices, attestations, and supplemental information (in rule documents) and transmittal sheets which are NOT submitted in electronic form.

(A) **Media options.** Submit documents on a ~~3-1/2 inch DOS formatted high density diskette~~ compact disc (CD).

(B) **Labeling disks.** Label each ~~diskette~~ CD. The label must identify the Title, Chapter, and type of filing of each document on the ~~diskette~~ CD.

~~(C) **Compression of records.** A record which contains a large rule document may be compressed using PKZip software utility. However, the agency must identify the use of PKZip on the diskette. Notice documents may not be compressed.~~

~~(D) **Inaccessible records.** If a record submitted to the OAR is inaccessible (due to a bad ~~disk~~ CD, corruption of the file, etc.), the OAR will notify the agency as soon as possible. The agency must resubmit another ~~disk~~ CD.~~

(c) **Special treatment of rule documents.**

(1) **Emergency and preemptive rules.** Upon approval by the Governor of an emergency or preemptive rule document, the agency shall submit the rule document in paper and electronic form to the OAR, as set forth in (b) of this Section, and pursuant to the following:

(A) Submit two (2) paper copies of the entire rule document, including attestation, to the OAR:

(i) The rule document submitted must include any corrections needed to bring the document into substantial compliance with this Chapter, as identified by the OAR in its review of the document during the Governor's review period [75:253(C) ~~(+)~~(2) and 250.6(B)(2)].

(ii) Copies of the rule document, including the attestation and transmittal sheet, may be photocopies rather than originals.

(B) Submit two (2) paper copies of the Governor's approval to the OAR.

(C) Submit a ~~diskette~~ CD containing a copy of all parts of the ~~properly formatted~~ the rule document except the attestation, transmittal sheet, and supplemental information (if any).

(D) An emergency or preemptive rule document is considered officially filed when the paper and ~~diskette~~ CD copies of the approved document are received by the OAR from the agency.

(2) **Permanent rules.** Within 30 calendar days after final adoption of permanent rules, the agency must submit a permanent rule document to the OAR [75:308.1(A)]. The document must be submitted in paper and electronic form, as set forth in (b) of this Section. The rules included in the permanent rule document must include any corrections necessary to bring the rules into substantial compliance with this Chapter, if any were reported to the agency by the OAR at earlier stages of the rulemaking process.

[OAR Docket #12-807; filed 6-19-12]

TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #12-801]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

675:1-1-1.1. Definitions [AMENDED]

675:1-1-4. Officers of the Board [AMENDED]

675:1-1-9. Fee schedule [AMENDED]

AUTHORITY:

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10).

DATES:

Comment period:

December 15, 2011 through January 16, 2012

Public hearing:

January 20, 2012

Adoption:

January 20, 2012

Submitted to Governor:

May 25, 2012

Submitted to House:

April 4, 2012

Submitted to Senate:

April 24, 2012

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March 7, 2012

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Approved May 30, 2012 by House Joint Resolution 1115

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May 30, 2012

Effective:

July 26, 2012

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

675:1-1-1.1. Definitions [AMENDED]

675:1-1-4. Officers of the Board [AMENDED]
675:1-1-9. Fee schedule [AMENDED]

Gubernatorial approval:
August 31, 2011

Register publication:
29 Ok Reg 35

Docket number:
11-1017

INCORPORATIONS BY REFERENCE:
"n/a"

ANALYSIS:

These proposed amendments to the rules of the State Board of Licensed Social Workers address changes to the Social Workers Licensed Act, 59 O.S. § 1250, et seq., passed by the Oklahoma Legislature during its 2011 session in House Bill 1715. Also, in addition to addressing the 2011 amendments to the Social Workers Licensing Act as described in the previous paragraph, the proposed amendments to Rule 675:1-1-1.1 clarify the procedure for face to face supervision by electronic means. This amendment results from the fact that the Board has received requests of late that seek to use computer programs such as Skype to interact during supervision. The Board's rules currently require a period of supervision by a licensed social worker of applicants for licensure, and this supervision must be face to face. The words "face to face" are not currently defined in the Social Workers Licensing Act or Board rules. The purpose of this emergency rule amendment is to provide a means for the Board to control the use of programs like Skype to meet the face to face supervision requirements and to prevent supervision by electronic means without review by the Board given that face to face supervision by electronic means is not going to be adequate in every situation. This will serve the purpose of helping to make sure only qualified applicants receive licenses as social worker. Other than the addition of the term "assessment" to the terms defined in rule 675:1-1-1.1, the proposed amendments are currently effective as emergency rules. The definition of "assessment" was added as it is a definition currently used in the National Model Social Work Practice Act and because the definition is based on current practice standards by qualified, degreed social workers who have received the required and appropriate training from accredited Colleges of Social Work. Adding the definition of "assessment" provides further clarification as to scope of work to be provided by the various licensure levels.

CONTACT PERSON:

James Marks, Executive Director, Oklahoma State Board of Licensed Social Workers, 4545 N. Lincoln Blvd. STE 162, Oklahoma City, OK 73105, 405-521-3712.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A) WITH AN EFFECTIVE DATE OF JULY 26, 2012:

675:1-1-1.1. Definitions

~~The For~~ purposes of this title, the following words and terms shall have the following meaning unless the context clearly indicates otherwise:

"Educational supervision" means face to face interaction between the supervisor and supervisee. Face to face supervision does not include interaction through electronic means unless said interaction is approved by the Board on a case by case basis prior to the supervision.

"LCSW" means licensed clinical social worker.

"LMSW" means licensed masters social worker.

"LSW" means licensed social worker (~~advanced generalist~~).

"LSW-Adm" means licensed social worker with a specialty of administration.

"LSWA" means licensed social worker associate.

"Assessment" means the gathering of data about emotional, behavioral, mental, environmental, biopsychosocial and interactional processes gathered in an effort to identify the client's past and current level of functioning. Assessment may also include the use of standardized psychometric testing instruments upon successful completion of appropriate, specialized courses or training.

675:1-1-4. Officers of the Board

The Oklahoma State Board of Licensed Social Workers shall elect a chairman, vice-chairman, and secretary. Election of officers will occur on ~~an annual~~ a biennial basis.

675:1-1-9. Fee schedule

(a) **Fees.**

- (1) Licensure:
 - (A) Application processing fee - \$150.00
 - (B) ~~National Criminal~~ criminal background — history record check - at cost
- (2) Renewal:
 - (A) Renewal of license - \$100.00
 - (B) Late fee - \$50.00
- (3) Continuing education fees:
 - (A) Annual continuing education provider's application fee - \$200.00 (Any fees paid in the year 2004 and prior to the effective date of this rule may be applied up to the annual fee for year 2004.)
 - (B) Annual web-site link to provider - \$25.00
 - (C) Licensee request for program/event approval - \$40.00 each
- (4) Miscellaneous:
 - (A) Duplicate or replaced license certificate - \$25.00
 - (B) Duplicate renewal card - \$10.00
 - (C) Written verification of licensure - \$20.00
 - (D) Duplication of public records - \$0.25 per page
 - (E) Application for Board Approved Supervisor - \$150.00
 - (F) Investigation/prosecution - at cost incurred
 - (G) Probation - \$100.00 per month
 - (H) Returned check processing fee - \$50.00

(b) **Submission of fees.**

- (1) All fees assessed by the Board as set out in this section shall be received prior to processing an application.
- (2) All fees are non-refundable

[OAR Docket #12-801; filed 6-15-12]

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS
CHAPTER 3. INDIVIDUAL PROCEEDINGS**

[OAR Docket #12-802]

RULEMAKING ACTION:
PERMANENT final adoption

Permanent Final Adoptions

RULES:

- 675:3-1-2. Definitions [AMENDED]
- 675:3-1-3. Complaint procedure [AMENDED]
- 675:3-1-3.1. Cooperation with investigations [NEW]
- 675:3-1-4. Procedures for denials, revocations, suspensions [AMENDED]

AUTHORITY:

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10).

DATES:

Comment period:

December 15, 2011 through January 16, 2012

Public hearing:

January 20, 2012

Adoption:

January 20, 2012

Submitted to Governor:

May 25, 2012

Submitted to House:

April 4, 2012

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April 24, 2012

Gubernatorial approval:

March 7, 2012

Legislative approval:

Approved May 30, 2012 by House Joint Resolution 1115

Final adoption:

May 30, 2012

Effective:

July 26, 2012

SUPERSEDED EMERGENCY ACTIONS:

"n/a"

INCORPORATIONS BY REFERENCE:

"n/a"

ANALYSIS:

These proposed amendments to the rules of the State Board of Licensed Social Workers address changes to the Social Workers Licensed Act, 59 O.S. § 1250, et seq., passed by the Oklahoma Legislature during its 2011 session in House Bill 1715. The proposed amendments to Rule 675:3-1-2 adds the definition for "Complaint Committee" to further clarify paragraph 6 of subsection (a) of Rule 675:3-1-3. Rule 675:3-1-3(a) was changed to more accurately capture the procedural steps of complaint procedure. Rule 675:3-1-3(b) deletes references that are not needed as section (c) and (d) of the same subsection address the procedures depending on the type of violation. The proposed amendments to Subsections (c) and (d) of Rule 675:3-1-3 add the word "renewal" to make it clear that the denial of a license as those words are used in these subsections does not include the denial of a new license. The proposed amendment to Rule 675:3-1-3(c)(4) provides further clarification that the current rules do not intend that all consent decrees should not be reported to the national data banks, only those consent decrees in situations where the violations do not warrant denial, suspension or revocation. The proposed addition of new Rule 675:3-1-3a assures that licensees cooperate with ongoing Board investigations of complaints against licensees. The proposed amendments to 675:3-1-4(a) add the word "renewal" to make it clear that the denial of a license as those words are used in Subsection (a) does not include the denial of a new license. The proposed amendments to Rule 675:3-1-4(a) adds similar Oklahoma licenses as a ground for disciplinary action against a licensed social worker to mirror the ground for disciplinary action by the Board in current Paragraph 10 of this subsection for action against a similar license in other states. In addition, the proposed amendments to Subsection (a) include a time requirement to report disciplinary action against a licensed social worker taken by other Oklahoma state agencies or licensing agencies in other states.

CONTACT PERSON:

James Marks, Executive Director, Oklahoma State Board of Licensed Social Workers, 4545 N. Lincoln Blvd. STE 162, Oklahoma City, OK 73105, 405-521-3712.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A) WITH AN EFFECTIVE DATE OF JULY 26, 2012:

675:3-1-2. Definitions

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

"**Act**" means the Social Worker's Licensing Act, 59 O.S., §§ 1250, et seq., as amended.

"**APA**" means Article I and/or Article II of the Administrative Procedures Act, 75 O.S. § 250, et seq.

"**Board**" means the Oklahoma State Board of Licensed Social Workers.

"**Citizen Complaint**" means a written statement of alleged violation of the Act by a person licensed or certified by the Board and submitted to the Board office by any member of the public.

"**Complaint Committee**" means a committee made up of the Board Chair or his or her designee, former or current Board(s) member appointed by the Chair and the Attorney General Liaison to the Board.

"**Formal Complaint**" means a written statement of alleged violation of the Act by a person licensed or certified by the Board and which is filed by the Board's attorney along with a Notice of Hearing scheduling an individual proceeding before the Board.

"**Hearing**" means the mechanism employed by the Board to provide Due Process to a respondent in an individual proceeding.

"**Individual proceeding**" means the formal process by which the Board takes administrative action against a person licensed or certified by the Board in accordance with the Act and the APA.

"**Respondent**" means the person against whom an individual proceeding is initiated.

"**Staff**" means the personnel of the Board, through employment or contract.

675:3-1-3. Complaint procedure

(a) **Receiving complaints.** The Board shall receive citizen complaints against licensees through the mail or in person at the Board office. Only written citizen complaints shall be accepted for consideration, unless extenuating circumstances exist. The written citizen complaint may be anonymous as long as it contains detailed information sufficient to independently verify the allegations made. Upon receipt of the citizen complaint, the Board staff shall:

- (1) stamp all pages with a Board stamp which indicates the date of receipt,
- (2) review the citizen complaint to determine if the person against whom the complaint is made is a current licensee,
- (3) ~~log the complaint, assigning a number consisting of the year and sequence number in which it was received; further, recording the date received, name of the complainant (if provided), and the name and number of the licensee;~~
- (4) ~~generate a letter to the complainant indicating receipt and review of the complaint by the Board officials (if applicable);~~

(3) generate a letter to the complainant indicating receipt and review of the citizen complaint by Board officials (if applicable).

(4) log the citizen complaint by assigning a number consisting of the year and sequence number in which it was received, record the date received, name of complainant (if provided), and the name and license number of the licensee.

(5) place the citizen complaint in a pending file,

(6) ~~notify the Board chair or chair's designee a former or current Board member appointed by the Chair, and the Attorney General Liaison (hereinafter referred to as the "Complaint Committee")~~ members of the Complaint Committee of receipt of a citizen complaint by providing a copy to each member.

(b) **Reviewing complaints.** Upon notification that a complaint has been received, the Complaint Committee shall review the contents to determine whether or not the allegation constitutes a possible violation of the Code of Professional Conduct. If the allegation does not indicate a possible violation of this code, the Complaint Committee shall instruct the Board staff to generate a letter to the complainant thanking them for their concern and advising them that the complaint does not fall within the purview of the Board. If the allegation does indicate a possible violation of this code, the Complaint Committee shall make the following determination:

(1) The alleged violation appears to be one which would not, if found to be valid, result in a denial, revocation or suspension of a license, ~~as specified in Section 675:3-1-3 of this Chapter,~~ but one which does indicate the need for Board review and possible informal action.

(2) The alleged violation appears to be one which could, if found to be valid, result in a denial, revocation or suspension of a license, ~~as specified in Section 675:3-1-3 of this Chapter.~~

(c) **Allegations, if substantiated, not appearing to result in a denial, revocation or suspension of a license.** If an alleged violation appears to be one which would not result in a denial of renewal, revocation or suspension of a license, the chair or chair's designee shall proceed with addressing the allegation by reviewing the complaint with the Attorney General liaison for the Board. Upon the consent of the chair or chair's designee and the advice of the Attorney General liaison the chair or chair's designee shall proceed by:

(1) Notification of the licensee by certified mail that a citizen complaint has been received, outlining the nature of the complaint.

(2) Forwarding to the licensee a copy of the informal process for addressing citizen complaints, which requires:

(A) a prompt letter to the Board from the licensee responding to the merits of the complaint;

(B) an informal interview with the Board to fully explore the issues involved in the complaint;

(C) an agreement by the Board and the licensee on the merits of the complaint;

(D) a proposed Consent Decree for disciplinary action for the licensee, approved by the Board and

signed by the licensee and the chair or chair's designee, which may include, but is not limited to, one or more of the following:

(i) a letter of education instructing the licensee to correct the aspect of practice in question;

(ii) a tutorial assigned to the licensee to remedy the practice in question, under the supervision of a Board Approved Supervisor assigned by the Board, with the wishes and needs of the licensee taken into consideration; or

(iii) a letter of censure reprimanding the licensee for the practice in question;

(E) a review of the course of action in a specified time, not longer than six months, to determine whether or not remediation has taken place; and

(F) a letter to the licensee indicating that the informal process has ended; or

(3) Referral to the formal investigation process when:

(A) the licensee fails to respond to the certified letter from the Board;

(B) the informal process reveals new or expanded allegations that indicate the possibility of a denial, revocation or suspension of a license;

(C) the licensee fails to meet the requirements of Consent Decree without good cause.

(4) A Consent Decree entered into pursuant to this subsection that is agreed to by the Board and the licensee shall not be considered a disciplinary action and will not appear on the Board's website or be reported to a national databank.

(d) **Allegations, if substantiated, appearing to result in a denial, revocation or suspension of a license.** If an alleged violation appears to be one which would result in a denial of renewal, revocation or suspension of a license, the Complaint Committee shall proceed with addressing the complaint by the process detailed below based upon agreement of a majority of its members:

(1) Contacting an investigator designated by the Board as qualified to address the nature of the complaint.

(2) Providing the designated investigator with names and addresses of the complainant, if available, and the licensee.

(3) Issuing a letter of intent that specifies:

(A) the intended parameters of the investigation;

(B) the individuals to be interviewed;

(C) the contract fee and travel reimbursement, as allowed by statute;

(D) the time frame for completing the investigation.

(4) Indicating whether or not the licensee should be interviewed by the contract investigator, in reference to:

(A) advice by the Attorney General liaison not to do so in order to reserve the interview with the licensee in a setting under oath;

(B) the possibility of a criminal investigation being conducted concurrently or subsequently to the Board investigation.

(5) Submitting the investigative report to the Complaint Committee for review and recommendation to the

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Board concerning proposed action to be taken concerning the complaint.

(6) Placing the complaint on the agenda for the next Board meeting for report on the status of the complaint and possible action by the Board. Possible actions by the Board would include:

(A) a dismissal of the complaint due to lack of evidence of a code violation;

(B) a referral to the informal process due to a finding that the results of the investigation reveal code violations, but not ones that would result in the need for denial, revocation or suspension;

(C) a decision to hold a hearing as provided for in Section 675:3-1-4 of this Chapter;

(D) a Consent Decree that is agreed to by the Board and the licensee.

(i) A Consent Decree that is entered into pursuant to this subsection shall be considered a disciplinary action and shall appear on the Board's website and shall be reported to the appropriate national databank(s).

(ii) A Consent Decree pursuant to this subsection may be recommended to the Board as a possible action of the Board at any stage in the complaint process detailed in this subsection.

675:3-1-3.1. Cooperation with investigations

Licensees shall cooperate when Board staff, complaint committee members, and/or investigators make inquiries concerning a complaint made against a licensee. Failure of a licensee to cooperate is a code violation.

675:3-1-4. Procedures for denials, revocations, suspensions

(a) **When a hearing is required.** The Board shall hold a hearing when it considers that there is cause to deny a renewal of a license or, revoke or suspend any license (or specialty certification) issued by the Board or applied for in accordance with the Social Worker's Licensing Act or otherwise to discipline a licensee. The hearing will determine whether or not the person:

(1) Has been convicted of a felony and, after investigation the Board finds that he or she has not been sufficiently rehabilitated to meet the public trust;

(2) Has been found guilty of fraud or deceit in connection with services rendered or in establishing needed qualifications under this act;

(3) Has knowingly aided or abetted a person, not licensed under these provisions, in representing himself or herself as licensed in this state;

(4) ~~Has been found~~ Is guilty of unprofessional conduct as defined by rules established by the Board;

(5) ~~Has been found~~ Is guilty of negligence or wrongful actions in the performance of his or her duties as a social worker;

(6) Is unable to function because of addiction to alcohol, drugs or other chemicals;

(7) Is unable to function because of physical or mental illness;

(8) Has disclosed confidential information without proper authority;

(9) ~~Conduct which violates~~ Has violated the security of any licensure examination materials;

(10) Has been the subject of the revocation, suspension, surrender or other disciplinary sanction of a license in this state that is similar or related to a social worker license or of other adverse action related to a similar or related license in this state including the failure to report such adverse action to the Board within ten (10) business days of the issuance of a final order.

~~(11)~~ Has been ~~Being~~ the subject of the revocation, suspension, surrender or other disciplinary sanction of a social worker license or related or similar license or of other adverse action related to a social worker license or related or similar license in another jurisdiction or country including the failure to report such adverse action to the Board within ten (10) business days of the issuance of a final order; or

~~(12)~~ Has been ~~Being~~ adjudicated by a court of competent jurisdiction, within or without this state, as incapacitated, mentally incompetent, chemically dependent, mentally ill and dangerous to the public or a psychopathic personality

(b) **Hearing procedures.** Hearing procedures to be followed shall be in accordance with the Administrative Procedures Act, 75 O.S., §§309-323.

[OAR Docket #12-802; filed 6-15-12]

TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 10. LICENSURE REQUIREMENTS

[OAR Docket #12-803]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

675:10-1-1.2. Requirements for Licensed Clinical Social Worker [AMENDED]

675:10-1-4. Requirements for Private or Independent Social Work Practice [AMENDED]

675:10-1-5. Titles of licenses [AMENDED]

675:10-1-6. Continuing education [AMENDED]

675:10-1-9. Form of application [AMENDED]

675:10-1-10. Examinations [AMENDED]

675:10-1-12.1. Renewal of licenses [AMENDED]

AUTHORITY:

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10).

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675:10-1-4. Requirements for Private or Independent Social Work Practice

675:10-1-5. Titles of licenses

675:10-1-9. Form of application

675:10-1-10. Examinations

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"n/a"

ANALYSIS:

The proposed amendments to the rules as outlined in 675:10-1-4, 675:10-1-5(a)(1), (b)(2), (c)(2) and (e)(2), and 675:10-1-9(a)(6), (11 and (b) of the State Board of Licensed Social Workers address changes to the Social Workers Licensure Act, 59 O.S. § 1250, et seq., passed by the Oklahoma Legislature during its 2011 session in House Bill 1715. Also, in addition to addressing the 2011 amendments to the Social Workers Licensure Act as described in the previous paragraph, the proposed amendments to Rule 675:10-1-1.2(1) are to provide clarification of "direct client contact". The proposed amendments to Rule 675:10-1-5(a) includes the addition of subparagraph (A) of paragraph (3) of subsection (a) to require that social workers using assessment tools observe all requirements associated with the tool. The proposed amendments to Rule 675:10-1-5 includes the deletion of paragraph (4) of subsection (a), because education and experience are already noted in Rule 675: 10-1-2(1). The definition of Licensed Masters Level Social Worker in Rule 675:10-1-5(b) was modified to make more consistent with the other licensure types listed in this section and to clarify the restraints for private and independent practice. The definition of Licensed Social Worker in Rule 675:10-1-5(c) was modified to make more consistent with the other licensure types listed in this section and to clarify the restraints for private practice. Rule 675:10-1-5(d) adds clarification that the Licensed Social Worker-Adm cannot engage in the private practice of clinical social work. Paragraph (4) of subsection (d) of Rule 675:10-1-5 was deleted because education and experience are already noted in Rule 675:10-1-2.1. The definition of Licensed Social Worker Associate in Rule 675:10-1-5(e) was modified to make more consistent with the other licensure types listed in this section and to clarify the restraints for private and independent practice. Paragraph (5) of subsection (a) of Rule 675:10-1-6 was changed because of the difficulty licensees encounter in acquiring continuing education in the same year their application was approved, especially for those who are approved after July 1st of each calendar year. 675:10-1-9 provides clarification of requirements for making application for licensure in Oklahoma. The amendments to subsections (c), (d) and (e) of Rule 675:10-1-10 provide clarification regarding the revocation of provisional licenses pursuant to Section 1261.5 of Title 59 of the laws of Oklahoma and the steps necessary to continue re-taking the examination. The proposed amendments to subsection (c) of Rule 675:10-1-12.1 provide clarification of continuing education requirements needed to renew a license the following year.

CONTACT PERSON:

James Marks, Executive Director, Oklahoma State Board of Licensed Social Workers, 4545 N. Lincoln Blvd. STE 162, Oklahoma City, OK 73105, 405-521-3712.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S.,

SECTION 308.1(A) WITH AN EFFECTIVE DATE OF JULY 26, 2012:

675:10-1-1.2. Requirements for Licensed Clinical Social Worker

The Board shall authorize the issuance of licenses to persons who qualify as follows:

- (1) as a LCSW who has a master's degree in social work from a Board approved social work program and has two (2) years of full-time post degree experience or the equivalent thereto of part-time experience, a total of 4,000 hours, of experience in the practice of clinical social work under professional supervision of a licensed clinical social worker which includes 3000 hours of direct client contact. Direct client contact may include any activities directly associated with the provisions of treatment for a client. Direct client contact does not include administrative activities, travel to/from meetings, training, etc. This experience shall include at least 100 hours of face-to-face educational supervision by the supervisor. Ratings on the final evaluations completed by supervisor(s) must document performance at a level meeting or exceeding expectations as defined on the forms approved by the Board, in all areas of evaluation,
- (2) passed the examination provided for under the provisions of Section 675:10-1-10, and
- (3) is of good moral character.

675:10-1-4. Requirements for Private or Independent Social Work Practice

(a) No person may engage in the private or independent practice of social work unless:

- (1) licensed under this act as ~~a LSW-Adm or an~~ LCSW,
- (2) has had 100 hours of face-to-face educational supervision in no less than two (2) years of full-time or the equivalent thereto of part-time experience, a total of 4,000 hours, supervised experience certified by the Board in the method to be offered in private practice and met the requirements set by the Board, and
- (3) ~~shall continue~~continues to meet continuing education requirements set by the Board.

(b) No person may engage in the independent practice of social work unless:

- (1) licensed under this act as an LCSW, LSW-ADM or LSW.
- (2) has had 100 hours of face-to-face educational supervision in no less than two (2) years of full-time or the equivalent thereto of part-time experience, a total of 4,000 hours, supervised experience certified by the Board in the method to be offered in private practice and met the requirements set by the Board, and
- (3) continues to meet continuing education requirements set by the Board.

675:10-1-5. Titles of licenses

(a) **Licensed Clinical Social Worker.**

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(1) **Definition.** Clinical social work is defined as set out in Section 1250.1 of Title 59 of the laws of Oklahoma practice which focuses on rendering services to individuals, families, or groups of individuals that involve the evaluation, diagnosis, treatment, and prevention of emotional disorders and mental illness as related to the total health of the client system according to social work theory and methods, providing services of a psychosocial nature pertaining to personality adjustment, behavior problems, interpersonal dysfunctioning and deinstitutionalization. Such practice is based on knowledge of psychodynamics, human relations, human development, personality development, crisis intervention, psychopathology, and group dynamics to effect change in human behavior, emotional responses, and social conditions.

(2) **Setting.** Clinical social work is practiced within a private office or under the auspices of public, voluntary, or proprietary agencies and institutions addressing familial, economic, health, recreational, religious, penal, judicial and educational concerns.

(3) **Model of clinical social work practice.** Within the practice setting, the problem is identified, and a plan of intervention is designed and implemented with the client. The plan is supported by securing historical facts and clues to the latent forces within the individual that shape personality. Individual strengths in conjunction with community resources are activated and utilized to implement the client plan. Social workers using standardized assessment tools shall observe all requirements associated with the tool prior to administrating the instrument.

~~(4) **Education and experience criteria.** A master's degree in social work from a Board approved social work program; official transcripts must be received from all applicable schools attended; two (2) years of full time or the equivalent thereto of part time experience, a total of 4,000 hours, of post graduate practice experience under the supervision of a licensed social worker with a clinical social work practice specialty which includes at least 3,000 hours of direct client contact; this experience shall include at least 100 hours of face to face educational supervision in no less than two (2) years of full time related employment or the equivalent thereto of part time employment. Ratings on the final evaluations completed by supervisor(s) must document performance at a level meeting or exceeding expectations as defined on the forms approved by the Board, in all areas of evaluations.~~

(b) **Licensed Master's Social Worker.**

(1) **Definition.** Licensed Master Level Social Worker (LMSW) is defined as set out in Section 1250.1 of Title 59 of the laws of Oklahoma. The practice of a Licensed Master's Social Worker (LMSW) means the application of social work theory, knowledge, methods and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities. Master's Social Work practice requires the application of specialized knowledge and advanced practice

skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, counseling, consultation, education, research, advocacy, community organization and the development, implementation, and administration of policies, programs and activities.

(2) **Setting.** A licensed masters level social worker may practice under the auspices of public, voluntary, or proprietary agencies and institutions addressing familial, economic, health, recreational, religious, penal, judicial and educational concerns.

(3) **Model of practice.** Within the practice setting, the social worker may be involved in community organization, program planning and development, administration of community services or programs, assessment of client needs for community programs or services, coordination and/or evaluation of service delivery, advocacy on behalf of persons or groups with unmet needs, social welfare policy, organizational analysis, and, provision of training about community needs and/or problems. Social workers using standardized assessment tools shall observe all requirements associated with the tool prior to administrating the instrument.

(4) The LMSW shall not engage in the private practice of clinical social work or practice independently.

(c) **Licensed Social Worker.**

(1) **Definition.** Licensed Social Worker is defined as set out in Section 1250.1 of Title 59 of the laws of Oklahoma.

(2) **Setting.** The Licensed Social Worker (LSW) shall be able to perform the following functions:

(A) provide counseling to individuals, couples, families and groups directed toward specific goals;

(B) assist in helping individuals or groups with difficult day-to-day problems, such as finding employment, locating sources of assistance, or organizing community groups to work on a specific problem;

(C) consult with other agencies on problems and cases served in common and coordinate services among agencies helping multi-problem families;

(D) conduct basic data gathering on social problems;

(E) serve as an advocate for those clients or groups of clients whose needs are not being met by available programs or by a specific agency;

(F) assess, evaluate and formulate a plan of action based on client need;

(G) provide training to community groups, agencies and other professionals about health-case issues and community problems; and

(H) maintain familiarity with professional and self-help systems in the community and will assist the client in using those services when necessary.

(3) **Model of practice.** Within the practice setting, the licensed social worker is one who is able to assess, within the framework and ethical guidelines prescribed by the

NASW code of ethics, and based on that assessment, identify and intervene at whatever systemic level is most efficient and effective. Problems identified by the worker may require intervention with more than one system and the worker may play several roles (e.g.: facilitator, advocate, broker, enabler, educator, coordinator, activist, mediator, etc.) in an effort to bring about the desired change. A basic principle of generalist practice is that the knowledge and skills necessary to create positive change are transferable from one setting to another. Social workers using standardized assessment tools shall observe all requirements associated with the tool prior to administering the instrument.

(4) The LSW shall not engage in the private practice of clinical social worker practice independently.

(d) **Licensed Social Worker-Adm.**

(1) **Definition.** Social work administration is defined as practice which focuses primarily on directing the development and/or management of social service delivery systems. Such practice is based on knowledge of organization theory, policy development, program management, personnel management, fiscal management, and public relations. Such practice is based on skills necessary for organizing, directing, supervising, staffing, program planning and program evaluating.

(2) **Setting.** Social work administration is practiced within a private setting or under the auspices of public, voluntary or proprietary agencies or institutions addressing familial, economic, health, recreational, religious, penal, judicial and educational concerns.

(3) **Model of social work administration practice.** Within the practice setting, supervises program directors and program staff to insure that personnel, program and/or licensing standards are met and maintained and that staff members grow in skill and efficiency; develops program goals and insures that all program activities and procedures comply with regulations; interprets the services and promotes the image of the programs through regular communication with appropriate groups and individuals in order to maintain a broad base of support; manages budgets to insure a balanced and fiscally sound program is maintained.

(4) **Education and experience criteria.** ~~A master's in social work from a school of social work approved by the Board; official transcripts must be received from all applicable schools attended; two years of full time post master's degree related experience or the equivalent thereto of part-time experience, a total of 4,000 hours, in the delivery of social work administration. This experience shall include at least 100 hours of face to face educational supervision under a Licensed Social Worker with a Social Work Administration specialty in no less than two (2) years of full-time related employment or the equivalent thereto of part-time employment. Ratings on the final evaluations completed by supervisor(s) must document performance at a level meeting or exceeding expectations as defined on the forms approved by the Board, in all areas of evaluations.~~

(4) The LSW-Adm shall not engage in the private practice of clinical social work.

(e) **Licensed Social Worker Associate.**

(1) **Definition.** Licensed Social Work Associate is defined as set out in Section 1250.1 of Title 59 of the laws of Oklahoma.

(2) **Setting.** ~~The practice of a Licensed Social Worker Associate (LSWA) means the application of social work theory, knowledge, methods, ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities. LSWA basic generalist practice that includes assessment, planning, intervention, evaluation, case management, information and referral, counseling, consultation, education, advocacy, community organization, and the development, implementation, and administration of policies, programs and activities practices within a private setting or under the auspices of public, voluntary or proprietary agencies or institutions addressing familial, economic, health, recreational, religious, penal, judicial and educational concerns.~~

(3) **Model of practice.** In the practice setting, the LSWA may work with individuals, families, communities, groups and organizations. LSWA's may conduct psychosocial assessments and may take social histories and/or conduct home studies. The LSWA utilizes the basic problem-solving process of gathering information, assessing that information at a beginning professional level, developing a plan of care, then assuming the roles enumerated above, implements the plan and conducts follow-up.

(4) The LSWA shall not engage in the private practice of clinical social work or practice independently.

675:10-1-6. Continuing education

(a) **Continuing education.**

(1) As a requirement for license renewal, sixteen (16) clock hours of continuing education units shall be required for each license held. These hours must have been obtained during the previous renewal period (January through December) and approved by the Board. At least 3 hours must be categorized as ethics training as defined by the Board.

(2) Approval of continuing education shall be at the discretion of the Oklahoma State Board of Licensed Social Workers and shall be in accordance with standards acceptable to the profession of social work.

(3) A licensee called to active duty in the armed forces of the United States for a period of time exceeding one hundred and twenty (120) consecutive days during a calendar year shall be exempt from obtaining the continuing education required during that calendar year.

(4) A licensee experiencing physical disability, illness or other extenuating circumstances may request partial or complete exemption from the continuing education

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requirements. The licensee shall provide supporting documentation for the Board's review. Such hardship cases will be considered by the Board on an individual basis.

~~(5) Effective January 1, 2004 licensees who have passed the examination during the months of July through December may receive eight (8) hours of continuing education for that year. The required eight (8) hours must be in category 1 and include three (3) hours of ethics.~~
Continuing education requirements for licensees will be waived during the calendar year in which they passed their licensure exam.

(b) **Audit/Verification.**

(1) Each applicant for renewal of license shall certify that he/she has completed the requisite hours of continuing education.

(2) The Board staff may, each year, randomly or for cause select licensees to be audited for verification that continuing education requirements have been met.

(3) Licensees selected for audit must submit verification of meeting the continuing education requirement with the renewal application.

(4) Failure to submit such records shall constitute an incomplete application and shall result in the application being returned to the licensee and the licensee being unable to practice.

(5) A license renewed through misrepresentation shall result in Board action.

675:10-1-9. Form of application

(a) Applicants for licensure as a LCSW, LMSW, LSW, LSW-Adm or LSWA shall make such application on the most current form prescribed by the Board, shall submit the required fee and shall supply appropriate documentation as required by the Board to validate the facts which are claimed as a part of the licensing process. Such items to include but not be limited to:

- (1) a official transcript
- (2) a notarized photograph taken within the last 12 months
- (3) a record of work experience
- (4) a certification by employers as to the facts or an affidavit attesting to the facts by the applicant
- (5) a notarized signature
- (6) a signed consent authorizing the Board to conduct a national criminal background history record check and/or receive criminal history information on the applicant
- (7) a verification of supervision
- (8) an official score transfer from ASWB, as applicable
- (9) a verification of licensure from another state, as applicable
- (10) an affidavit of legal status, as applicable
- (11) two (2) sets of fingerprints meeting the requirements set out in Section 1261.1 of the Social Workers Licensing Act.

(b) The fee for the national criminal background history record check shall be paid separately from the license application fee by the applicant at the time application is made.

(c) The use of false or fraudulent information by an applicant may be grounds for denial of a license.

675:10-1-10. Examinations

(a) The Board accepts the following licensure examinations administered by the ASWB:

- (1) Basic or Bachelors
- (2) Intermediate or Master
- (3) Advanced or Advanced Generalist
- (4) Clinical

(b) Upon approval by the Board to take the examination and issuance of a provisional license, the applicant may apply through the ASWB to sit for the examination.

(c) From the date of issuance of the provisional license, the applicant has one year to obtain a passing score on the ASWB exam. In the event of failure to pass the examination, the applicant may retake the examination every ninety (90) days during the year the provisional license is valid. If an applicant's provisional license is revoked pursuant to Section 1261.5 of the Social Workers Licensing Act, the license application shall be voided, and the applicant must reapply, including approval of the Board, application and applicable fees, prior to retaking the examination.

675:10-1-12.1. Renewal of licenses

(a) All licenses shall expire at the end of each calendar year and shall be subject to renewal on the first day of the next calendar year.

(b) All licensees must submit a complete licensure renewal package application, including fee, postmarked or submitted online by December 31 of the calendar year. Only renewals submitted on the most current forms provided by the Board will be accepted.

(c) Licenses will lapse on the last day of the calendar year. Such lapsed licenses shall be renewed upon receipt of a complete renewal application and payment of the renewal fee plus a late fee as set forth in 675:1-1-9 if submitted within ninety (90) days from the first day of the new calendar year. Licensees that submit documentation for renewals postmarked after December 31 of the calendar year will be assessed the late renewal fee. Social workers renewing their license January 1 through March 31 must provide verification of continuing education completed during the previous calendar year.

[OAR Docket #12-803; filed 6-15-12]

TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 12. GUIDELINES FOR SUPERVISION

[OAR Docket #12-804]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

675:12-1-4. Supervision and private or independent practice [AMENDED]

675:12-1-6. Board approved supervisors [AMENDED]

675:12-1-8. Out of state supervision [NEW]

AUTHORITY:

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10).

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"n/a"

ANALYSIS:

These proposed amendments to the rules as outlined in Rule 675:12-1-4 of the State Board of Licensed Social Workers address changes to the Social Workers Licensed Act, 59 O.S. § 1250, et seq., passed by the Oklahoma Legislature during its 2011 session in House Bill 1715. Also, in addition to addressing the 2011 amendments to the Social Workers Licensing Act as described in the previous paragraph, the proposed amendments to Rule 675:12-1-6(b) define the minimum expectations for board approved and non-board approved Supervisors. The proposed amendments to Rule 675:12-1-6(c)(1), (2) and (3) clarify the procedure for minimum supervision expectations and the expectations of supervisees while under supervision. The language from Rule 675:12-1-6(c)(4) was deleted and moved to 675:12-1-6(b). The proposed amendments to Rule 675:12-1-6(c)(5) provide further clarification of the submission time frames for evaluation forms to the Oklahoma State Board of Licensed Social Workers. The proposed amendments to Rule 675:12-1-6(c)(6) add language to inform the licensee of the possibility of losing supervisory hours in the event they are not timely with the submission of their supervision evaluations. The proposed amendments to Rule 675:12-1-6(c)(9) formalize how often supervisors are required to attend supervisor training to maintain their status as a board approved or non-board approved supervisor. New Rule 675:12-1-8 was added to assure that those seeking licensure in Oklahoma from another state experienced a comparable supervision experience as is required by the Oklahoma Social Workers Licensing Act.

CONTACT PERSON:

James Marks, Executive Director, Oklahoma State Board of Licensed Social Workers, 4545 N. Lincoln Blvd. STE 162, Oklahoma City, OK 73105, 405-521-3712.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A) WITH AN EFFECTIVE DATE OF JULY 26, 2012:

675:12-1-4. Supervision and private or independent practice

~~(a) Engaging in the private or independent practice of social work requires holding of the LCSW or LSW-Adm license and at least two years of supervised experience certified by the Board. The supervisor must hold the appropriate license title and be a Board Approved Supervisor.~~

(b) Engaging in the independent practice of social work requires holding of the LCSW, LSW-Adm or LSW license.

675:12-1-6. Board Approved Supervisors

(a) **Requirements.** The two year experience requirement for specialty certification contracted external to the agency must be under the supervision of a Board Approved Supervisor. A Board approved social worker with one of the specialty certifications presently recognized by the Board does not automatically qualify as a Board Approved Supervisor. The knowledge, experience, and skill base of a Board Approved Supervisor exceeds the minimum requirements for specialty certification. Applicants for a Board Approved Supervisor shall:

- (1) Submit an application on the most current forms provided by the Board.
- (2) Be a Licensed Social Worker with the title licensure in the same method as supervisor status is sought.
- (3) Have at least five (5) years of full time work experience (or equivalent) beyond the master's degree in social work. Three of these five years must be full time work experience (or equivalent) in the specialty that supervisory status is sought.
- (4) Have at least two years of supervisory work experience following completion of the master's degree in social work.
- (5) Have two (2) letters of reference submitted to the Oklahoma State Board of Licensed Social Workers. At least one letter shall be from a licensed social worker holding the same licensure title and shall address supervisory skills.

(b) **Approved supervisor status.** Board and non-Board approved supervisor status remains in effect contingent upon the following:

- ~~(1) maintaining~~ Maintaining a current license in good standing;
- ~~(2) and completing~~ Completing supervisor training, sponsored or approved by the Board, within one year of approval and at least every three years thereafter and maintaining compliance with the minimum supervision expectations. Documentation of such participation will be furnished to the Board and will be updated periodically as required by the Board.
- (3) The supervisory status may be suspended or terminated by the Board if the supervisor fails to provide adequate supervision to a supervisee.
- (4) A supervisor may not be related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood or adoption) to the person he or she is supervising.

(c) **Minimum supervision expectations.**

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(1) A supervisee may not engage in private or independent practice while under supervision. A supervisee may not do contract work for an employer as a non-licensed social worker.

(2) A supervisee seeking clinical licensure shall not assign a clinical diagnosis independent of their clinical supervisor to a client for which they are providing services.

(43) A supervisee must complete two (2) years of full-time or the equivalent thereto of part-time experience, a total of 4,000 hours, of post graduate practice experience under the supervision of a licensed social worker with the same social work practice specialty. Supervisees seeking clinical licensure must have at least 3,000 hours of direct client contact. Direct client contact may include any activities directly associated with the provisions of treatment for a client. Direct client contact does not include administrative activities, travel to/from meetings, training, etc. For supervisees working 20 hours or more per week, the supervisee must receive an average of one continuous hour per week of face-to-face supervision for two years (minimum of 100 hours). The maximum period between educational supervision meetings is two weeks, in which case the supervisor and supervisee must meet for two hours. For supervisees working less than 20 hours per week, the supervisee must meet with their supervisor at minimum of once every two weeks for one hour.

Group supervision is acceptable if such supervision does not exceed at least one-fourth half of the total supervisory time per evaluation period. Group supervision is defined as educational supervision conducted with more than one supervisee by a licensed social worker with appropriate certification in the specialty sought by supervisees, or a Board Approved Supervisor with appropriate certification in specialty sought by supervisees. The group should be limited in size to no more than 4 supervisees.

(24) A contract will be negotiated by supervisor and supervisee and a copy furnished to the Oklahoma State Board of Licensed Social Workers prior to beginning. Any supervision completed prior to approval of the supervision contract will not be accepted. An official transcript with degree posted and current job description must accompany the contract. Such a contract shall not be valid if the supervisor and supervisee have a relationship that could affect the employment or benefits of the supervisor, and that relationship could, in any way, bias or compromise the supervisor's evaluation of the supervisee. ~~A supervisor may not be related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood or adoption) to the person whom he or she is supervising.~~ Should the contract be terminated before completion of the minimum number of hours required, the supervisee is responsible for negotiating a new contract and obtaining all evaluation and termination forms required to document prior supervision. The supervisee shall notify the Board within 30 days of any job change and submit a new job description.

(35) There will be a periodic written evaluation:

(A) no less than 6 months and a total of 25 hours of supervision

(B) no less than 12 months and a total of 50 hours of supervision

(C) no less than 24 month and a total of 100 hours of supervision

(D) submission of all evaluation forms are the responsibility of the supervisee and are due within thirty (30) days of each of the reporting periods.

(E) supervisees terminating their supervision for any reason must complete and submit all evaluation forms and termination records within thirty (30) days of termination.

(46) A copy of the written evaluation will be provided by the supervisee to the Board office. At the Board's discretion, failure to comply with reporting requirements stated herein may result in the loss of supervisory hours.

(57) If supervision is terminated by either party, the supervisee is responsible for notifying the Board and completing a termination form which the Board will provide. Such termination form must be received by the Oklahoma State Board of Licensed Social Workers within 14 days of the termination.

(68) If there is any question regarding the supervisee's competency, the supervisor is free to ask for a sample of supervisee's work.

(79) It is required that all supervisors for licensure participate in supervision training sponsored or approved by the Board at a minimum of once every three years. Board Approved Supervisors are required to participate in the training. Documentation of such participation will be furnished the Oklahoma State Board of Licensed Social Workers and will be updated periodically as required by the Board.

(810) When the proposed supervisor is not a staff member of the supervisee's agency, social work ethics demand that the proposed supervisor insure that the agency administration (or its representative) is in accord with the arrangements for supervision by a qualified supervisor. This is essential whether these arrangements are made by the agency or the supervisee and regardless of whether the agency contributes to financial compensation of the supervisor. The supervisor is responsible for securing agreement from the agency administration as to the purpose and content of the desired supervision and the supervisor's specific role responsibilities and limitations. The supervisor is also responsible for learning agency functions and policies so that any supervisory suggestions are constructive and realistic within agency purposes and resources.

(911) Supervision from a Board Approved Supervisor may be contracted from outside the agency should internal supervision be unavailable.

(1012) All supervisors will adhere to the guidelines on supervision required by the Oklahoma State Board of Licensed Social Workers.

(d) Licensees supervising within their agency must have a minimum of two years work experience post passage of

the proper licensure exam in order to be eligible to supervise individuals for licensure.

675:12-1-8. Out of state supervision

Social workers seeking to transfer their licensure supervision as a new resident of this state will be required to provide documentation of supervision hours from the previous jurisdiction to assure the hours accrued conform to the requirements for social work supervision as outlined in the Oklahoma Social Work Practice Act. The Board may review documentation of supervision hours from other jurisdictions on a case by case basis.

[OAR Docket #12-804; filed 6-15-12]

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS
CHAPTER 15. GUIDELINES FOR CONTINUING EDUCATION**

[OAR Docket #12-805]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

- 675:15-1-2. Introduction [AMENDED]
- 675:15-1-3. Continuing education standards [AMENDED]
- 675:15-1-5. Information to providers of continuing education [AMENDED]

AUTHORITY:

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10).

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SUPERSEDED EMERGENCY ACTIONS:

"n/a"

INCORPORATIONS BY REFERENCE:

"n/a"

ANALYSIS:

These proposed amendments to the rules of the State Board of Licensed Social Workers address changes to the Social Workers Licensure Act, 59 O.S. § 1250, et seq., passed by the Oklahoma Legislature during its 2011 session in House Bill 1715. The proposed amendments to Rule 675:15-1-2 expands the recognition of continuing education training activities accepted by the Oklahoma State Board of Licensed Social Workers. Proposed amendments to Rule 675:15-1-3(a) reduces the continuing education requirement for individuals who hold more than one license requiring them to have 16 hours of continuing education for their first license and six additional hours for each

additional license. Proposed amendments to Rule 675:15-1-5(c) expands the list of approved recognized providers for continuing education providers to include NASW state chapters.

CONTACT PERSON:

James Marks, Executive Director, Oklahoma State Board of Licensed Social Workers, 4545 N. Lincoln Blvd. STE 162, Oklahoma City, OK 73105, 405-521-3712.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A) WITH AN EFFECTIVE DATE OF JULY 26, 2012:

675:15-1-2. Introduction

The Oklahoma State Board of Licensed Social Workers will recognize all continuing education activities provided by ASWB-ACE, National Association of Social Workers (NASW-CE), ~~and those state and local providers who have been approved by the Oklahoma State Board of Licensed Social Workers,~~ and continuing education offered by any NASW State chapter. Continuing education offered through the military for military personnel or spouses of military personnel must be submitted to the Board for approval. The fees associated with the submission of an application for a military training event will be waived.

675:15-1-3. Continuing education standards

(a) **Continuing education hours.** The number of hours specified for each social work license specialty title is 16 clock hours of verified continuing education per specialty per licensing period. Any individual holding more than one license is required to obtain 6 additional hours of Category I continuing education credit for each additional license. Dual licensees should seek continuing education credits that reflect the nature of their licensures and scope of their practices. At least All licensees must receive a total of 3 hours per licensee must be categorized as of ethics training as defined by the Board. For individuals who have more than one license, ethics training can be obtained for either specialty. As specified in the Oklahoma Social Worker's Licensing Act, the license must be renewed every twelve months.

(b) **Categorical learning activities.** It shall be the responsibility of the individual social worker to choose his/her own continuing education program. The continuing education experience may be organized into three main categories. Eight hours of the continuing education requirement must fall within the parameters of Category I learning experiences.

(1) **Category I - Formally Organized Learning Events.** Category I includes formally organized learning events, involving face to face interaction with a teacher for the purpose of accomplishing specific learning objectives. Examples include courses, workshops, practice oriented seminars, and training offered by accredited programs of social work education, and live, interactive, video conferencing by an approved program. The Verification of Attendance form should be retained by the licensee and submitted to the Board on request.

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(2) **Category II - Professional Meetings.** Category II includes professional meetings on the national, state and local levels. Events in this category involve formally structured discussions among professionals about professional issues, whereby participants increase their awareness of new developments in social work and related fields. Documentation of Category II is the same as described for Category I in (1) of this subsection.

(3) **Category III - Individual Professional Activities.** Category III consists of a variety of self-directed professional study activities and growth experiences. Examples include writing papers and books for presentation or publication; making presentations on major professional issues or programs; teaching or training assignments, engaging in research, correspondence work, televised courses, audio/visual videotapes and other forms of self-study upon approval by the Board, shown to update or enhance competence in social work practice. Social workers/teachers whose primary job responsibilities include designing new courses will be allowed to receive continuing education credit hours. Specifically, when a social worker/teacher engages in the initial preparation of a course he/she will be awarded continuing education hours commensurate to the number of semester hours of the course. If a quarter system is utilized, credit for quarter hours will be allowed utilizing the ratio of 3 quarter hours to 2 semester hours. Inherent in the nature of Category III experiences is the expectation that an individual will spend a greater number of clock hours in a self-directed activity than he/she will receive actual continuing education credit.

675:15-1-5. Information to providers of continuing education

(a) When planning a continuing education activity (face-to-face or distance education) for social workers, the provider needs to consider six essential program elements. The guidelines that follow delineate those elements and establish respective professional expectations of providers. The licensed social worker, in turn, can use these guidelines as the basis for inquiry about a provider's qualifications, leading to better decisions about which offerings to pursue.

(1) **Program development.** Adequate and responsive continuing education program development requires interaction among sponsoring administrators, the instructor or educational leader, and potential social work consumers. The provider needs to involve social workers in the identification of learning needs, in the selection and development of educational events to meet those needs, and in the establishment of appropriate evaluation mechanisms. Involvement of social workers with content expertise and an understanding of the educational objectives are recommended as well.

(2) **Program content.** Continuing education events for social workers should clearly relate to social work practice, theory, and methodology; to the level of social work education; to social policy; or to administration, planning, and research related to human services. As a guide for participation, learning objectives and content

designed to meet those objectives should be specified for each event. The way in which the content will meet the learning needs of social workers also should be made clear. Such information should be provided on promotional materials or upon request.

(3) **Participants.** Selection of participants for continuing education events must not discriminate by reason of gender, age, race, ethnic background, sexual orientation, physical abilities, or other characteristics. Promotional materials should state clearly the educational level of the social worker for whom the event is geared but not limited to, as well as any prerequisites.

(4) **Program format and instructional methodology.** The provider should be able to demonstrate that the format and methods selected for continuing education were influenced by contemporary adult learning theory; the identified learning needs of

the participants; and the learning objectives, the educational content, and the size and composition of the participant group. Methodologies need to be diverse and encourage the active participation of the learner in the educational process. A

variety of teaching techniques should be considered; any assignments, such as readings or structured exercises, should be related to the conceptual content, and any audio-visual resources should be used in a planned manner.

(5) **Qualified instruction.** The sponsor of a continuing education event must make sure that the instructor, speaker, or educational leader is qualified. Individual providers have responsibility for offering only those events for which they are qualified. Specific qualifications include:

(A) competence in the subject matter as determined by a combination of two of the following:

(i) license, registration or certificate in an area related to the course subject matter;

(ii) master's or higher degree in an area related to the course subject matter;

(iii) training, certification or teaching experience in subject matter related to the course subject matter;

(iv) at least two years' experience in an area related to the course subject matter.

(B) ability to transmit the educational content to the participants' understanding of continuing education objectives

(C) knowledge and skill in instructional methodology, learning processes, and the use of emotionally laden material

(D) capacity for self-evaluation and modification of future offerings in response to evaluations conducted by self, sponsor, and participants

(E) maintenance of an appropriate certification, credential, or license for subject matter.

(6) **Program evaluation.** Formal evaluation of each continuing education event is essential for maintaining or improving the quality and effectiveness of future events. Measures of evaluation need to be established during

the planning phase and linked directly with the event's learning objectives. Two distinct but related measures of evaluation may be appropriate. The first is the instructor's, sponsor's, and participants' assessment of the event with respect to content, format, methodology, instruction, and facilities. The second is assessment of the knowledge acquired by participants and is based on:

- (A) demonstration of a taught skill
- (B) an oral or written test
- (C) a project or report
- (D) a self-assessment checklist
- (E) another instrument designed to collect data on changes in participant knowledge or performance attributed to the educational experience. The instructor and sponsor together should review the evaluation outcome and revise subsequent events accordingly.

(b) The form to verify continuing education activity must contain the following information:

- (1) Program name or title
- (2) Instructor(s) or Presenter(s)
- (3) Date
- (4) Number of clock hours of program

(c) The Oklahoma State Board of Licensed Social Workers recognizes the Association of Social Work Boards (ASWB-ACE), National Association of Social Workers (NASW- CE) and NASW state chapters as approved continuing education providers. The Board will offer other continuing education providers the opportunity to become approved providers in continuing education for social workers. All providers shall submit the most current application form(s) provided by the Board along with the fee as set forth in 675:1-1-9. The Board may audit approved providers at any time.

(d) Upon notice of approval of your continuing education provider status you may designate this status on your brochure along with the provider number issued by the Board.

(e) A licensee may request approval of a program or event by submitting the most current application form(s) provided by the Board along with the fee as set forth in 675:1-1-9. Approval will be restricted to the individual licensee making application.

[OAR Docket #12-805; filed 6-15-12]

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS
CHAPTER 20. CODE OF PROFESSIONAL CONDUCT**

[OAR Docket #12-806]

RULEMAKING ACTION:
PERMANENT final adoption

RULES:
675:20-1-6. Social Workers Code of Ethics [AMENDED]

AUTHORITY:
Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10).

DATES:
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SUPERSEDED EMERGENCY ACTIONS:
"n/a"

INCORPORATIONS BY REFERENCE:

Incorporated standards:
Code of Ethics of National Association of Social Workers, as revised by 2008 NASW Delegate Assembly

Incorporating rules:
675:20-1-6

Availability:
See contact person below

ANALYSIS:
The proposed amendments to Rule 675:20-1-6 accept the NASW Code of Ethics as revised by the 2008 Delegate Assembly.

CONTACT PERSON:
James Marks, Executive Director, Oklahoma State Board of Licensed Social Workers, 4545 N. Lincoln Blvd. STE 162, Oklahoma City, OK 73105, 405-521-3712.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A) WITH AN EFFECTIVE DATE OF JULY 26, 2012:

675:20-1-6. Social Workers Code of Ethics

The Code of Ethics of the National Association of Social Workers as approved by the 1996 NASW Delegate Assembly and revised by the 2008 Delegate Assembly is hereby adopted in its entirety as an addition to the existing Code of Professional Conduct of the Oklahoma State Board of Licensed Social Workers.

[OAR Docket #12-806; filed 6-15-12]

Executive Orders

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

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

TITLE 1. EXECUTIVE ORDERS

1:2012-18.

EXECUTIVE ORDER 2012-18

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the powers vested in me by the Oklahoma Statutes in 25 O.S. Section 82.1, hereby order the following dates be observed as holidays by the State of Oklahoma in 2013:

Tuesday	January 1, 2013	New Year's Day
Monday	January 21, 2013	Martin Luther King, Jr. Day
Monday	February 18, 2013	Presidents' Day
Monday	May 27, 2013	Memorial Day
Thursday	July 4, 2013	Independence Day
Monday	September 2, 2013	Labor Day
Monday	November 11, 2013	Veterans' Day
Thursday & Friday	November 28 & 29, 2013	Thanksgiving
Tuesday & Wednesday	December 24 & 25, 2013	Christmas

This Executive Order shall be forwarded to the Director of the Office of State Finance who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 28th day of June, 2012.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Michelle R. Day
Assistant Secretary of State

[OAR Docket #12-832; filed 6-29-12]

