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**Mary Fallin, Governor**  
**V. Glenn Coffee,**  
**Secretary of State**  
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# Notices of Rulemaking Intent

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

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

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

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

*[OAR Docket #12-994]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

35:10-1-3 [AMENDED]

### **SUMMARY:**

The proposed rules update any necessary dates of incorporations by reference.

### **AUTHORITY:**

OKLA. CONST., Art. 6, § 31; Oklahoma State Board of Agriculture 2 O.S. §§ 2-4; 14-31 et seq.

### **COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 3, 2012 through January 4, 2013.

### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m., January 4, 2013 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 3, 2012 through January 4, 2013.

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the above address.

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

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

*[OAR Docket #12-994; filed 11-9-12]*

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

*[OAR Docket #12-992]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

35:13-1-1. [AMENDED]

35:13-1-2. [AMENDED]

### **SUMMARY:**

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

### **AUTHORITY:**

OKLA. CONST., Art. 6, § 31; Oklahoma State Board of Agriculture 2 O.S. §§ 2-4, 11-20 et seq.

### **COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 3, 2012 through January 4, 2013.

### **PUBLIC HEARING:**

A public hearing will be held at 10:30 a.m., January 4, 2013 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 3, 2012 through January 4, 2013.

## Notices of Rulemaking Intent

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### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the above address.

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

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

*[OAR Docket #12-992; filed 11-9-12]*

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

*[OAR Docket #12-995]*

### RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

### PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 11. Importation of Livestock, Poultry, and Pets [AMENDED]
- Subchapter 13. Testing and Inspection for Disease and Release of Livestock at Auction Markets [AMENDED]
- Subchapter 17. Bovine and Bison Brucellosis [AMENDED]
- Subchapter 22. Swine Psuedorabies and Brucellosis [AMENDED]
- Subchapter 34. Feral Swine [AMENDED]
- Subchapter 36. Scrapie [AMENDED]
- Subchapter 38. Bovine Trichomoniasis [AMENDED]
- Subchapter 40. Bovine Tuberculosis [AMENDED]
- Subchapter 42. Tuberculosis Eradication in Cervidae [AMENDED]
- Subchapter 44. Farmed Cervidae [AMENDED]
- Subchapter 47. Chronic Wasting Disease (CWD) in Cervids [AMENDED]

### SUMMARY:

The proposed rule changes update definitions, revise identification and recordkeeping requirements for certain livestock and animals, prohibit the falsification of records, delete outdated or unnecessary rules, make minor textual changes, establish standards for adult brucellosis vaccination, revise recordkeeping, fencing, fee and transport requirements for feral swine, incorporate references to the Code of Federal Regulations for scrapie, chronic wasting disease and the interstate movement of cervids, and revise testing standards for bovine trichomoniasis.

### AUTHORITY:

OKLA. CONST., Art. 6, § 31; Oklahoma State Board of Agriculture 2 O.S. §§ 2-4, 6-1 et seq., 6-91 et seq., 6-131 et

seq., 6-141 et seq., 6-150 et seq., 6-181 et seq., 6-290.1 et seq., 6-501 et seq., 6-601 et seq., 9-130 et seq., and 9-143.

### COMMENT PERIOD:

Persons may submit written and oral comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 3, 2012 through January 4, 2013.

### PUBLIC HEARING:

A public hearing will be held at 2:00 p.m., January 4, 2013, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 3, 2012 through January 4, 2013.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules), or by contacting Bennett Abbott, at the above address.

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

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

*[OAR Docket #12-995; filed 11-9-12]*

## TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 20. FORESTRY

*[OAR Docket #12-988]*

### RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

### PROPOSED RULES:

- Subchapter 17. Forest Resources Development Program [AMENDED]
- Subchapter 19. State Board of Registration for Foresters [NEW]

### SUMMARY:

The proposed rules establish a Forestry Cost Share Advisory Committee and a State Board of Registration for Foresters.

### AUTHORITY:

OKLA. CONST., Art. 6, § 31; 2 O.S. §§ 2-4 and 16-13, and 59 O.S. § 1203.

**COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 3, 2012 through January 4, 2013.

**PUBLIC HEARING:**

A public hearing will be held at 1:30 p.m., January 4, 2013 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 3, 2012 through January 4, 2013.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #12-988; filed 11-9-12]*

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

*[OAR Docket #12-993]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking  
**PROPOSED RULES:**

- Subchapter 17. Combined Pesticide
  - Part 6. Pesticidal Product Producing Establishments  
35:30-17-13 [AMENDED]
  - Part 8. ~~Expiration of~~ Pesticide Registrations and Permits  
[AMENDED]  
35:30-17-17 [AMENDED]  
35:30-17-17.1 [NEW]  
35:30-17-17.2 [NEW]
  - Part 21. Standards for Disposal of Pesticide and Pesticide Containers  
35:30-17-89.1 [AMENDED]

**SUMMARY:**

The proposed amendments incorporate the date for the most recent version of the Code of Federal Regulations. The proposed new and amended rules establish procedures for the expiration of pesticide registrations

**AUTHORITY:**

OKLA. CONST., Art. 6, § 31; Oklahoma State Board of Agriculture 2 O.S. §§ 2-4, 3-81 et seq.

**COMMENT PERIOD:**

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 3, 2012 through January 4, 2013.

**PUBLIC HEARING:**

A public hearing will be held at 11:00 a.m., January 4, 2013 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 3, 2012 through January 4, 2013.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #12-993; filed 11-9-12]*

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

*[OAR Docket #12-990]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking  
**PROPOSED RULES:**

- Subchapter 3. Meat Inspection
  - Part 1. General Provisions  
35:37-3-1 [AMENDED]
- Subchapter 5. Poultry Products Inspection

## Notices of Rulemaking Intent

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Part 1. General Provisions  
35:37-5-1 [AMENDED]  
37:37-5-2 [AMENDED]

### SUMMARY:

The proposed rule changes update the incorporation by reference of Code of Federal Regulations citations in the food safety rules,

### AUTHORITY:

OKLA. CONST., Art. 6, § 31; Oklahoma State Board of Agriculture 2 O.S. §§ 2-4; 6-181 et seq., 6-251 et seq., 6-280.1 et seq., and 6-290.1 et seq.

### COMMENT PERIOD:

Persons may submit written and oral comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 3, 2012 through January 4, 2013.

### PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., January 4, 2013, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 3, 2012 through January 4, 2013.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules), or by contacting Bennett Abbott, at the above address.

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

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

*[OAR Docket #12-990; filed 11-9-12]*

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

*[OAR Docket #12-989]*

### RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

### PROPOSED RULES:

Subchapter 5. Agriculture Enhancement and Diversification Program [AMENDED]

### SUMMARY:

The proposed rules establish an Oklahoma Agriculture Enhancement and Diversification Advisory Board.

### AUTHORITY:

OKLA. CONST., Art. 6, § 31; 2 O.S. §§ 2-4 and 5-3.5.

### COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at [bennett.abbott@ag.ok.gov](mailto:bennett.abbott@ag.ok.gov), 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 3, 2012 through January 4, 2013.

### PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., January 4, 2013 in the Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 3, 2012 through January 4, 2013.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules) or by contacting Bennett Abbott at the above address.

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

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

*[OAR Docket #12-989; filed 11-9-12]*

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

*[OAR Docket #12-991]*

### RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

### PROPOSED RULES:

Subchapter 1. Agriculture Environmental Permitting and AGPDES  
Part 1. General Provisions

35:44-1-2 [AMENDED]  
35:44-1-3 [AMENDED]  
Subchapter 3. Permit Conditions and Requirements  
35:44-3-3 [AMENDED]

**SUMMARY:**

The proposed rule change updates Code of Federal Regulations citations found within the rules relating to agricultural pollutant discharge systems.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons may submit written and oral comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 3, 2012 through January 4, 2013.

**PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m., January 4, 2013, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the above address during the period from December 3, 2012 through January 4, 2013.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [www.ag.ok.gov/proposedrules](http://www.ag.ok.gov/proposedrules), or by contacting Bennett Abbott, at the above address.

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #12-991; filed 11-9-12]*

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

*[OAR Docket #12-972]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions  
252:515-1-2 [AMENDED]  
Subchapter 19. Operational Requirements  
Part 5. Cover and Soil Borrow Requirements for Land Disposal Facilities  
252:515-19-50 [NEW]

**SUMMARY:**

The Department is proposing to amend OAC 252:515-1-2 by removing the phrase "roofing material recycling facilities and used tire recycling facilities" from the definition of "Land Disposal Facility". In response to recent legislative changes to 27A O.S. § 10-801.2, the Department is proposing to add a new section OAC 252:515-19-50.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Deliver or mail written comments on the proposed rules to the contact person from December 3, 2012 through January 14, 2013. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on January 17, 2013 and at the Environmental Quality Board at 9:30 a.m. on February 22, 2013.

**PUBLIC HEARINGS:**

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 17, 2013, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 22, 2013, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPPrules.htm](http://www.deq.state.ok.us/LPDnew/LPPrules.htm), or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

**RULE IMPACT STATEMENT:**

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person, or viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPPrules.htm](http://www.deq.state.ok.us/LPDnew/LPPrules.htm).

## Notices of Rulemaking Intent

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### CONTACT PERSON:

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

### ADDITIONAL INFORMATION:

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

*[OAR Docket #12-972; filed 11-7-12]*

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

*[OAR Docket #12-973]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 41. Roofing Material Recycling Facilities  
[NEW]

252:515-41-1 [NEW]

252:515-41-2 [NEW]

252:515-41-3 [NEW]

252:515-41-4 [NEW]

252:515-41-5 [NEW]

252:515-41-6 [NEW]

252:515-41-7 [NEW]

252:515-41-8 [NEW]

252:515-41-9 [NEW]

252:515-41-10 [NEW]

252:515-41-11 [NEW]

252:515-41-12 [NEW]

252:515-41-13 [NEW]

252:515-41-14 [NEW]

252:515-41-15 [NEW]

252:515-41-16 [NEW]

### SUMMARY:

The Department is proposing to amend OAC 252:515 by adding a new Subchapter 41 in response to recent legislative changes to 27A O.S. § 802.2, relating to Roofing Material Recycling Facilities.

### AUTHORITY:

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

### COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from December 3, 2012 through January 14, 2013. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on

January 17, 2013 and at the Environmental Quality Board at 9:30 a.m. on February 22, 2013.

### PUBLIC HEARINGS:

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 17, 2013, in the Multi-Purpose Room, Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 22, 2013, in the Multi-Purpose Room, Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality, may be requested from the contact person, or viewed on the DEQ web site at [www.deq.state.ok.us/LPDnew/LPProprules.htm](http://www.deq.state.ok.us/LPDnew/LPProprules.htm).

### CONTACT PERSON:

Mike Stickney, Land Protection Division, Solid Waste Compliance Unit, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at Mike.Stickney@deq.ok.gov, phone 405-702-5100, or fax 405-702-5101.

### ADDITIONAL INFORMATION:

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

*[OAR Docket #12-973; filed 11-7-12]*

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

*[OAR Docket #12-998]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Office of Client Advocacy [AMENDED]  
(Reference WF 12-09)

**SUMMARY:**

The proposed revisions to Subchapter 3 of Chapter 2 amend the rules to comply with statutory changes effective January 1, 2013, created as a result of the child welfare lawsuit settlement and related Oklahoma Department of Human Services (OKDHS) Pinnacle Plan. Proposed revisions also reflect clarification on processing grievances.

**AUTHORITY:**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Section 1-1-101 et seq. of Title 10A of the Oklahoma Statutes; Section 10-102 et seq. of Title 43A of the Oklahoma Statutes; and Section 5101 et seq. of Title 42 of the United States Code.

**COMMENT PERIOD:**

Written and oral comments are accepted December 3, 2012, through January 2, 2013, during regular business hours by contacting G. Diane Lee, Oklahoma Department of Human Services, Office of Client Advocacy, PO Box 25352, Oklahoma City, OK 73125, 918-295-3102.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the person listed above, no later than 5:00 p.m., January 2, 2013.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

[OAR Docket #12-998; filed 11-9-12]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 75. CHILD WELFARE**

[OAR Docket #12-999]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions of Child Welfare Services [AMENDED]

Subchapter 3. Child Protective Services [AMENDED]  
Subchapter 4. Family-Centered and Community Services [AMENDED]

Subchapter 6. Permanency Planning [AMENDED]

Subchapter 7. Foster Home Care [AMENDED]

Subchapter 13. Other Child Welfare Services and Medical Services for Children in Out-of-Home Care [AMENDED]

Subchapter 15. Adoptions [AMENDED]

Subchapter 18. Continuous Quality Improvement [AMENDED]

Subchapter 19. Working with Indian Children [AMENDED]

(Reference APA WF 12-10)

**SUMMARY:**

The proposed revisions to Subchapters 1, 3, 4, 6, 7, 13, 15, 18, and 19 of Chapter 75: (1) amend the rules to comply with federal and state statutes and regulations and Oklahoma Pinnacle Plan requirements related to the provision of child welfare services; and (2) update division, unit, and position titles consistent with the Oklahoma Department of Human Services reorganization.

**AUTHORITY:**

Director of Human Services;

(1) Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162);

(2) Oklahoma Children's Code 10A O.S. § 1-1-101 et. seq. related to existing statutory cites and language expanded in rule;

(3) House Bill (HB 2251) and 10A O.S. §§ 1-2-102 and 1-1-105 related to the drug-endangered child;

(4) HB 3135 and 10A O.S. §§ 1-6-102 and 1-6-105 related to disclosure of confidential information;

(5) Senate Bill (SB) 1183 and 10 O.S. § 7505-5.3 and 10A O.S. § 1-7-111 related to the use of Department of Public Safety (DPS) Motor Vehicle Report for prospective foster and adoptive parents;

(6) HB 2300 and 10A O.S. § 1-1-105 related to child protective services investigation findings; 10A O.S. § 1-4-806 related to trial reunification background checks, and 10A O.S. § 1-4-809 related to reasonable efforts findings by the court;

(7) HB 3049 and 57 O.S. § 590 related to the parent who is a registered sex offender; and

(8) HB 3134 and non-codified language related to the OKDHS reorganization.

**COMMENT PERIOD:**

Written and oral comments are accepted December 3, 2012 through January 2, 2013, during regular business hours by contacting Caprice Tyner, Oklahoma Department of Human Services, Child Welfare Services (CWS), PO Box 25352, Oklahoma City, OK 73125, 918-798- 8829.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by the above listed person, no later than 5:00 p.m., January 2, 2013.

## Notices of Rulemaking Intent

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

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

*[OAR Docket #12-999; filed 11-9-12]*

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## TITLE 340. DEPARTMENT OF HUMAN SERVICES

### CHAPTER 100. DEVELOPMENTAL DISABILITIES SERVICES DIVISION

*[OAR Docket #12-1000]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Administration  
Part 1. General Administration  
340:100-3-5.1 [AMENDED]  
Part 3. Administration  
340:100-3-29 [AMENDED]  
340:100-3-38.10 [AMENDED]

**(Reference WF 12-08)**

### SUMMARY:

The proposed amendments to Chapter 100 Subchapter 3 amend the rules to: (1) designate Developmental Disabilities Services Division (DDSD) State Office staff that have authority to approve and deny volunteer guardianship exceptions and limit volunteer guardians to serving no more than two service recipients without an exception; (2) clarify requirements for background checks; (3) designate DDSD State Office staff that have authority to approve or revoke medication administration training (MAT); (4) remove the requirement that agencies submit the MAT training records to DDSD; and (5) no longer require staff Social Security numbers on training records.

### AUTHORITY:

Directory of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 10 O.S. § 1415; 10 O.S. § 1430.1 et seq.; 51 O.S. § 151 et seq.; 63 O.S. § 1-1901 et seq.; and The Domestic Volunteer Service Act (DVSA) of 1973, Public Law (P.L.) 93-113.

### COMMENT PERIOD:

Written and oral comments are accepted December 3, 2012, through January 2, 2013, during regular business hours by contacting Samantha Galloway, Oklahoma Department of

Human Services, DDSD, PO Box 25352, Oklahoma City, OK 73125, 405-521-4989.

### PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the person listed above, no later than 5:00 p.m., January 2, 2013.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

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

*[OAR Docket #12-1000; filed 11-9-12]*

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## TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

### CHAPTER 70. STANDARDS AND CRITERIA FOR OPIOID SUBSTITUTION TREATMENT PROGRAMS

*[OAR Docket #12-981]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 70. Standards and Criteria for Opioid Substitution Treatment Programs [AMENDED]

### SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 70 are part of the Department's review of Title 450. The proposed rules clarify existing rules and further standardize the Opioid Substitution Treatment Programs.

### AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. § 3-601 et. seq.

### COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., January 4, 2013, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2401 NW 23<sup>rd</sup> Street, Suite 85, Oklahoma City, OK or by facsimile, at (405) 522-0236.

**PUBLIC HEARING:**

The Department will conduct a public hearing on January 9, 2013, 10:00 a.m., in Conference Room A of the Department at the address given above.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on January 4, 2013.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning December 18, 2012. Copies may be obtained from Gretchen Geis, Administrative Rules Liaison, at the above address.

**CONTACT PERSON:**

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

*[OAR Docket #12-981; filed 11-8-12]*

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

*[OAR Docket #12-968]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

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

**SUMMARY:**

The proposed rule amendments would correct spelling and grammar errors.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105, during the period from December 3, 2012, to January 2, 2013.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at (405) 521-2885 or [mschuble@obn.state.ok.us](mailto:mschuble@obn.state.ok.us), no later than 5:00pm on January 2, 2013.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Bureau of Narcotics and Dangerous Drugs Control requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105 beginning on December 18, 2012.

**CONTACT PERSON:**

Marie Schuble, Staff Attorney, (405) 521-2885 or [mschuble@obn.state.ok.us](mailto:mschuble@obn.state.ok.us).

*[OAR Docket #12-968; filed 11-5-12]*

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

*[OAR Docket #12-969]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

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

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

**SUMMARY:**

The proposed rule amendments would include Schedule V prescriptions in the list of prescriptions allowed to be sent to the pharmacy by fax. The proposed rule amendments would also correct the spelling of a word.

## Notices of Rulemaking Intent

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### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105, during the period from December 3, 2012, to January 2, 2013.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at (405) 521-2885 or mschuble@obn.state.ok.us, no later than 5:00pm on January 2, 2013.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Bureau of Narcotics and Dangerous Drugs Control requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105 beginning on December 18, 2012.

### **CONTACT PERSON:**

Marie Schuble, Staff Attorney, (405) 521-2885 or mschuble@obn.state.ok.us.

*[OAR Docket #12-969; filed 11-5-12]*

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

*[OAR Docket #12-970]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

### **PROPOSED RULES:**

475:50-1-1. Purpose [AMENDED]

475:50-1-2. Qualifications for Registration/ Required Training [AMENDED]

### **SUMMARY:**

The proposed rule amendments will clarify the rules by adding in a section number and correcting a word.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105, during the period from December 3, 2012, to January 2, 2013.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at (405) 521-2885 or mschuble@obn.state.ok.us, no later than 5:00pm on January 2, 2013.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Bureau of Narcotics and Dangerous Drugs Control requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105 beginning on December 18, 2012.

### **CONTACT PERSON:**

Marie Schuble, Staff Attorney, (405) 521-2885 or mschuble@obn.state.ok.us.

*[OAR Docket #12-970; filed 11-5-12]*

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

*[OAR Docket #12-971]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

- 475:55-1-2. Characteristics of exempt pseudoephedrine products [REVOKED]
- 475:55-1-5. Electronic Reporting [AMENDED]
- 475:55-1-10. Prescriptions [AMENDED]

**SUMMARY:**

The proposed rule amendments will revoke an obsolete section, update the quantity limits of purchasing pseudoephedrine products, and clarify how to handle connection problems or inaccurate reporting of pseudoephedrine sales to the electronic log.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons may submit comments, data, views or arguments, orally or in writing, to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105, during the period from December 3, 2012, to January 2, 2013.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting Marie Schuble, Staff Attorney, at (405) 521-2885 or mschuble@obn.state.ok.us, no later than 5:00pm on January 2, 2013.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Bureau of Narcotics and Dangerous Drugs Control requests that business entities affected by these proposed amendments provide the OBNDD, within the comment period, in dollar amounts if possible, any foreseen effects on the level of services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed amendments. Business entities may submit this information in writing to Marie Schuble at 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, 419 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105 beginning on December 18, 2012.

**CONTACT PERSON:**

Marie Schuble, Staff Attorney, (405) 521-2885 or mschuble@obn.state.ok.us.

*[OAR Docket #12-971; filed 11-5-12]*

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS  
CHAPTER 10. LICENSURE REQUIREMENTS**

*[OAR Docket #12-959]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 675:10-1-6. Continuing Education [AMENDED]

**SUMMARY:**

The proposed amendments to Rule 675:10-1-6 deletes (a) (3) as continuing education for military personnel and their spouses will be incorporated as part of proposed new Chapter 25 which implements Senate Bill 1863, the Post-Military Service Occupation, Education and Credentialing Act.

**AUTHORITY:**

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10), 1261.1 and §§ 4100.1 through 4100.8 .

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 17, 2013 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Friday, January 18, 2013 at the office of the Oklahoma State Board of Medical Licensure and Supervision, 101 Northeast 51<sup>st</sup> Street, Oklahoma City OK, 73105.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning December 17, 2012.

**CONTACT PERSON:**

James Marks, Executive Director, (405) 521-3712.

*[OAR Docket #12-959; filed 10-30-12]*

## Notices of Rulemaking Intent

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### **TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 15. GUIDELINES FOR CONTINUING EDUCATION**

*[OAR Docket #12-960]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

675:15-1-2. Introduction [AMENDED]

#### **SUMMARY:**

The proposed amendments to Rule 675:10-1-6 deletes the last sentences of this section as continuing education for military personnel and their spouses will be incorporated as part of Chapter 25 which implements Senate Bill 1863, the Post-Military Service Occupation, Education and Credentialing Act.

#### **AUTHORITY:**

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10), 1261.1 and §§ 4100.1 through 4100.8 .

#### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 17, 2013 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

#### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Friday, January 18, 2013 at the office of the Oklahoma State Board of Medical Licensure and Supervision, 101 Northeast 51<sup>st</sup> Street, Oklahoma City OK, 73105.

#### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

#### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning December 17, 2012.

#### **CONTACT PERSON:**

James Marks, Executive Director, (405) 521-3712.

*[OAR Docket #12-960; filed 10-30-12]*

### **TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 25. POST-MILITARY SERVICE OCCUPATION AND CREDENTIALING**

*[OAR Docket #12-961]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

675:25-1-1. Education, training and experience completed as a member of the Armed Forces of the United States pursuant to 59 O.S. 59 O.S. § 4100.4(A) [NEW]

675:25-1-2. Automatic extension of license, payment of fees and continuing education for active-duty military service members [NEW]

675:25-1-3. Reciprocal licensing of spouses of active-duty members of the Armed Forces of the United States [NEW]

#### **SUMMARY:**

The proposed rules are added as Chapter 25 to implement Senate Bill 1863, the Post-Military Service Occupation, Education and Credentialing Act. Proposed Rule 675:25-1-1 addresses licensure requirements respective to education, training and experience for current, active members of the Armed Forces. Proposed Rule 675:25-1-2 addresses continuing education requirements for active military members who wish to have their license placed on inactive status during active-duty military service, and the requirements for active-duty military members who wish to maintain current licensure. Proposed Rule 675:25-1-3 establishes procedures to expedite endorsement of licensure for spouses of active-duty members of the military.

#### **AUTHORITY:**

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10), 1261.1 and §§ 4100.1 through 4100.8.

#### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 17, 2013 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

#### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Friday, January 18, 2013 at the office of the Oklahoma State Board of Medical Licensure and Supervision, 101 Northeast 51<sup>st</sup> Street, Oklahoma City OK, 73105.

#### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning December 17, 2012.

**CONTACT PERSON:**

James Marks, Executive Director, (405) 521-3712.

*[OAR Docket #12-961; filed 10-30-12]*

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 25. DAMS AND RESERVOIRS**

*[OAR Docket #12-983]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 785:25-1-2. Definitions [AMENDED]
- Subchapter 3. Responsibility, Classification and Design Standards
- 785:25-3-3. Classification of size and hazard potential [AMENDED]
- 785:25-3-6. Minimum spillway performance standards [AMENDED]
- Subchapter 5. Applications and Approval of Construction
- 785:25-5-1. Application and fee required [AMENDED]
- 785:25-5-3. Content of plans and specifications [AMENDED]
- Subchapter 7. Post Approval Actions
- 785:25-7-5. Changes to plans and specifications after approval [AMENDED]
- 785:25-7-6. Notice of completion and filing of supplementary drawings or descriptive matter [AMENDED]
- Subchapter 9. Actions After Construction
- 785:25-9-1. Inspections of dams [AMENDED]

**SUMMARY:**

The staff of the Oklahoma Water Resources Board ("OWRB") is proposing to amend, or is considering amending, various provisions of Oklahoma Administrative Code ("OAC") 785:25 as follows.

OAC 785:25-1-2 is proposed to be amended by adding new definitions to provide clarification for terms including ag-exempt dam, breach, decommission, maximum storage, probable maximum flood and removal.

OAC 785:25-3-3 regarding classification of size and hazard potential of dams is proposed to be amended by clarifying that the size classification is based on the impoundment's maximum storage capacity and by referencing the publication that provides the basis for the hazard potential classification of dams.

OAC 785:25-3-6 may be amended by adding a requirement that dams constructed prior to 1973 that are classified as small in size and as having high hazard potential must pass a minimum design flood of 25% PMF with one foot of freeboard. In addition, a new subsection (g) would be added to this rule to address dams constructed after 1973 whose owners failed to obtain OWRB approval. This proposed amendment would require the dam owner to remove or decommission the dam, or in the alternative, submit certain detailed information to the OWRB, including plans, specifications, and an inspection report by a professional engineer, to allow the OWRB to determine whether the dam complies with OWRB's dam safety rules.

The staff also proposes to amend the rule regarding general application requirements, OAC 785:25-5-1(a), by including the term ag-exempt dam where it has already been described.

OAC 785:25-5-3, which sets forth information to be included with initial plans and specifications for construction of a dam, is proposed to be amended by moving the requirement for dam breach analysis documentation to a later subsection and replacing it with the requirement to file hydraulics and hydrology information. The breach analysis information is to be included in OAC 785:25-7-6, which sets forth information to be filed with the Notice of Completion of dam construction. A hydraulics and hydrology analysis is also proposed to be required when changes to approved plans and specifications must be made as described in OAC 785:25-7-5.

Amendments are also proposed to OAC 785:25-9-1 to require additional periodic dam safety inspections for significant and high hazard dams if previous inspections indicate an unsatisfactory or poor condition assessment. Inspections may also be necessary or required after the occurrence of earthquakes. In addition, certain language requiring notification to the OWRB about scheduling inspections is proposed to be removed.

Other amendments may be considered as a result of public comments.

**AUTHORITY:**

Oklahoma Water Resources Board; 82 O.S., §§ 110.1 and following; 105.20 and 105.27; and 1085.2.

**COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 14, 2013.

**PUBLIC HEARING:**

A public hearing will be held January 15, 2013 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

# Notices of Rulemaking Intent

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## REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 3, 2012 through January 14, 2013, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Julie Cunningham at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 14, 2013.

## COPIES OF PROPOSED RULES:

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

## CONTACT PERSON:

Julie Cunningham, Chief, Planning and Management Division, at (405) 530-8800

*[OAR Docket #12-983; filed 11-9-12]*

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## TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 30. TAKING AND USE OF GROUNDWATER

*[OAR Docket #12-984]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 3. Permit Application Requirements and Processing

785:30-3-6. Well spacing [AMENDED]

Subchapter 7. Amendments to Groundwater Rights

785:30-7-8. Consolidation of permits [NEW]

Subchapter 15. Water Trapped in Producing Mines [NEW]

Part 1. General Provisions [NEW]

785:30-15-1. Purpose, scope and applicability [NEW]

785:30-15-2. Definitions [NEW]

Part 3. Mines With and Without Exemptions [NEW]

785:30-15-3. Mines with no exemption [NEW]

785:30-15-4. Mines with preexisting exemptions [NEW]

Part 5. Augmentation, Management and Monitoring Plans [NEW]

785:30-15-5. Augmentation [NEW]

785:30-15-6. Management Plans [NEW]

785:30-15-7. Monitoring Plans [NEW]

Appendix C. Guidelines to Estimate Consumptive Use of Pit Water [NEW]

## SUMMARY:

The staff of the Oklahoma Water Resources Board ("OWRB") is proposing or is considering promulgation of amended or new rules in Oklahoma Administrative Code ("OAC") 785:30 as follows.

OAC 785:30-3-6 is proposed to be amended by adding language governing spacing between (a) new or proposed wells drilled and completed in a sensitive sole source groundwater basin and (b) springs and streams emanating from such a basin.

Language is proposed to be reenacted in OAC 785:30-7-8 regarding consolidation of permits. This section was previously revoked in 1997. Recently, the City of Enid (the "City") has petitioned to reenact this rule because of the benefits that the consolidation procedure would provide the City and other holders of multiple permits similarly situated.

A new Subchapter 15 and related Appendix C, both addressing use of water trapped in producing mines, are proposed to be added in order to implement the pertinent provisions of Enrolled Senate Bill No. 597 (the "Act") enacted by the Oklahoma Legislature in 2011. Among other things, the proposed rules establish provisions regarding (a) definitions of terms, (b) mines exempt from the Act, (c) mines not exempt from the Act, (d) augmentation of stream water or groundwater, (e) site-specific water management plans, (f) monitoring and reporting, and (g) guidelines to estimate consumptive use of pit water.

Other amendments may be considered or proposed as a result of public comments.

## AUTHORITY:

Oklahoma Water Resources Board; 82 O.S., Sections 1020.1 through 1020.22 and 1085.2.

## COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 14, 2013.

## PUBLIC HEARING:

A public hearing will be held January 15, 2013 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

## REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 3, 2012 through January 14, 2013, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing

to Julie Cunningham at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 14, 2013.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed rules may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

**CONTACT PERSON:**

Julie Cunningham, Chief, Planning and Management Division, (405) 530-8800.

*[OAR Docket #12-984; filed 11-9-12]*

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 35. WELL DRILLER AND PUMP INSTALLER LICENSING**

*[OAR Docket #12-985]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 7. Minimum Standards for Construction of Wells

785:35-7-1. Minimum standards for construction of groundwater wells, fresh water observation wells, and water well test holes [AMENDED]

Subchapter 9. Minimum Standards for Pump Installation

785:35-9-1. Minimum standards for pump installation [AMENDED]

Subchapter 11. Plugging and Capping Requirements for Wells and Test Holes

785:35-11-1. Plugging and capping requirements for groundwater wells, fresh water observation wells, heat exchange wells and water well test holes [AMENDED]

785:35-11-2. Plugging requirements for site assessment observation wells, monitoring wells and geotechnical borings [AMENDED]

**SUMMARY:**

The staff of the Oklahoma Water Resources Board ("OWRB") is proposing to amend, or is considering amending, various provisions of Oklahoma Administrative Code ("OAC") 785:30 as follows.

OAC 785:35-7-1 is proposed to be amended in two different ways. One amendment pertains to the drilling and completion of a well for a "Minor" or "Small" public water supply. The proposed language will add language requiring the pertinent

owner of the well or land to first obtain the appropriate construction permit from the Oklahoma Department of Environmental Quality ("ODEQ") prior to the well being drilled and completed. The second proposed amendment is to clarify the language in (c)(2)(D) regarding the height above natural land surface that a well casing must extend after completion of a new well and installation of well pump.

OAC 785:35-9-1 is proposed to be amended to clarify the minimum standards for pump installation regarding placement of well casing connections above-grade and below-grade.

OAC 785:35-11-1 and 785:35-11-2 are proposed to be amended to clarify plugging requirements for water wells, observation wells, heat exchange wells, water well test holes, monitoring wells and geotechnical borings.

The amendments are being proposed in response to comments and suggestions from the Well Drillers and Pump Installers Advisory Council as well as issues that have arisen in the implementation of the program during the preceding year.

Other amendments may be considered and adopted as a result of public comments.

**AUTHORITY:**

Oklahoma Water Resources Board; 82 O.S., Sections 1020.1 et seq., 1020.16 and 1085.2.

**COMMENT PERIOD:**

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 14, 2013.

**PUBLIC HEARING:**

A public hearing will be held January 15, 2013 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 3, 2012 through January 14, 2013, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Julie Cunningham at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 14, 2013.

**COPIES OF PROPOSED RULES:**

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact

## Notices of Rulemaking Intent

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Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

### CONTACT PERSON:

Kent Wilkins, Assistant Chief, Planning and Management Division, (405) 530-8800.

*[OAR Docket #12-985; filed 11-9-12]*

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

*[OAR Docket #12-986]*

#### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

#### PROPOSED RULES:

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

785:50-7-5. Emergency grant priority point system [AMENDED]

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

785:50-8-4. Applicable law; deadline for applications; eligible project costs [AMENDED]

785:50-8-5. REAP grant priority point system [AMENDED]

Subchapter 9. Clean Water State Revolving Fund Regulations

Part 1. General Provisions

785:50-9-9. Definitions [AMENDED]

Part 3. General Program Requirements

785:50-9-21. Eligible Project [AMENDED]

Part 7. SRF Environmental Review Process

785:50-9-60. Requirement of environmental review [AMENDED]

785:50-9-61. Environmental information required by the Board [AMENDED]

#### SUMMARY:

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Sections 785:50-7-5 and 785:50-8-5 are proposed to be amended to change language regarding the decennial census in the grant priority point systems. These changes are proposed to modify language so that it corresponds with the most up to date information provided by the United States Census Bureau and corresponding median household income. The intended effect is to make this language consistent with the U.S. Census Bureau information as it is updated.

Sections 785:50-7-5 and 785:50-8-5 are proposed to be amended to change language regarding water rates, sewer rates, and water and sewer rates in the priority point system. These changes are proposed to modify language so that the

rates correspond to current market conditions. The intended effect is to provide an update to the water rates, sewer rates, and water and sewer rates in accordance with the priority points.

Section 785:50-8-4 is proposed to be amended to change language regarding the date that REAP grant applications are due. The change is proposed to modify language so that it clarifies the actual date that the application is due. The intended effect is to make the language easier for the public to read and prevent any misunderstanding of the application due date.

Section 785:50-9-9 is proposed to be amended to include a definition of "Water Reuse". This change is proposed to clarify what is considered an eligible project under a Water Reuse definition. The intended effect is to ensure that the definition is consistent with state and the U.S. Environmental Protection Agency (EPA) guidelines.

Section 785:50-9-21 is proposed to be amended to provide language to include Recycled Water as an eligible funding category. This amendment will correspond to the changes made by the Oklahoma Department of Environmental Quality and guidelines provided by the EPA. The intended effect of the proposed amendment is to include all eligible funding categories that are allowed for Clean Water State Revolving Fund projects under federal and state law and EPA guidelines.

Section 785:50-9-60 is proposed to be amended to include the requirements of environmental decisions more than 5 years old. This amendment will correspond to the changes created by the National Environmental Policy Act (NEPA) and EPA guidelines. The intended effect of the proposed amendments is to make the rules consistent with the environmental review process and provide flexibility.

Section 785:50-9-61 is proposed to be amended to change the language in the Environmental Information Document (EID) to correspond with the requirements according to NEPA and the EPA. This amendment will clarify what is required in an EID and remove redundancy. The intended effect of the proposed amendment is to make the rules consistent with the environmental process under the guidelines of federal law.

Section 785:50-9-61 is proposed to clarify the language regarding transcript of hearing in the environmental review process and adding an audio component when appropriate. This amendment will clarify what is required in a transcript of hearing in conjunction with modern technology capabilities. The intended effect is to update the language to include modern technology and clarify the requirements for the public.

Other amendments may be considered as a result of public comments.

#### AUTHORITY:

Oklahoma Water Resources Board; 82 O.S. § 1085.2; 82 O.S. §§ 1085.31 et seq.; 82 O.S. §§ 1085.51 et seq.; 62 O.S. § 2003.

#### COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 14, 2013.

**PUBLIC HEARING:**

A public hearing will be held January 15, 2013 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 3, 2012 through January 14, 2013, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kate Burum at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 14, 2013.

**COPIES OF PROPOSED RULES:**

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

**CONTACT PERSON:**

Kate Burum, Staff Attorney and Funds Manager, 405-530-8800.

*[OAR Docket #12-986; filed 11-9-12]*

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

*[OAR Docket #12-963]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. Harvest and Possession Limits [AMENDED]
- Subchapter 3. Methods of Taking [AMENDED]
- Subchapter 5. Area Restrictions and Special Fees [AMENDED]

**SUMMARY:**

These rules will change length limits on bass, create bag limits for fish listed as Species of Special concern, restrict bait collected for personal use, change the number of rods

used when snagging from a boat, prohibit noodling on Lakes Ponca and Carl Blackwell, establish a designed trout area near Medicine Park and eliminate same in the Altus area, establish bag limits on bait fish taken from rivers and streams and prohibit cast nets on Oklahoma Scenic Rivers.

**AUTHORITY:**

Title 29 O.S., Sections 3-103, 5-401 and 6-302 Article XXVI, Sections 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

**COMMENT PERIOD:**

Person wishing to present their views orally or in writing may do so before 4:30 p.m. on January 11, 2013 at the following address: Oklahoma Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, OK 73105.

**PUBLIC HEARING:**

**Date:** January 8, 2013

**Time:** 7:00 p.m.

Oklahoma City - Oklahoma Department of Wildlife Conservation Auditorium  
1801 N. Lincoln Blvd.  
Oklahoma City, OK

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Blvd., Oklahoma City, OK 73105, Room 221.

**RULES IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 12, 2012 at the above address for the Oklahoma Department of Wildlife Conservation.

**CONTACT PERSON:**

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

*[OAR Docket #12-963; filed 11-1-12]*

**TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION  
CHAPTER 15. COMMERCIAL HARVEST RULES; AQUATIC SPECIES**

*[OAR Docket #12-964]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 9. Commercial Turtle Harvest [AMENDED]

**SUMMARY:**

These rules will change the length limits on certain turtles species, relax requirements for turtle trap identification and change requirements for turtle harvest reporting.

## Notices of Rulemaking Intent

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### **AUTHORITY:**

Title 29 O.S., Sections 3-103, 5-401 and 6-302 Article XXVI, Sections 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

### **COMMENT PERIOD:**

Person wishing to present their views orally or in writing may do so before 4:30 p.m. on January 11, 2013 at the following address: Oklahoma Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, OK 73105.

### **PUBLIC HEARING:**

**Date:** January 8, 2013

**Time:** 7:00 p.m.

Oklahoma City - Oklahoma Department of Wildlife Conservation Auditorium

1801 N. Lincoln Blvd.

Oklahoma City, OK

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Blvd., Oklahoma City, OK 73105, Room 221.

### **RULES IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 12, 2012 at the above address for the Oklahoma Department of Wildlife Conservation.

### **CONTACT PERSON:**

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

*[OAR Docket #12-964; filed 11-1-12]*

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

*[OAR Docket #12-965]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. Restricted Exotic Fish [AMENDED]

### **SUMMARY:**

These rules will allow anglers to possess bighead and silver carp in certain situations and add two species to the list of restricted crayfish.

### **AUTHORITY:**

Title 29 O.S., Sections 3-103, 5-401 and 6-302 Article XXVI, Sections 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

### **COMMENT PERIOD:**

Person wishing to present their views orally or in writing may do so before 4:30 p.m. on January 11, 2013 at the following address: Oklahoma Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, OK 73105.

### **PUBLIC HEARING:**

**Date:** January 8, 2013

**Time:** 7:00 p.m.

Oklahoma City - Oklahoma Department of Wildlife Conservation Auditorium

1801 N. Lincoln Blvd.

Oklahoma City, OK

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Blvd., Oklahoma City, OK 73105, Room 221.

### **RULES IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 12, 2012 at the above address for the Oklahoma Department of Wildlife Conservation.

### **CONTACT PERSON:**

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

*[OAR Docket #12-965; filed 11-1-12]*

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

*[OAR Docket #12-966]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Hunting on Corps of Engineers Lands [AMENDED]

Subchapter 5. Migratory Bird Hunting Season [AMENDED]

Subchapter 7. General Hunting Seasons [AMENDED]

Subchapter 9. Controlled Hunts [AMENDED]

Subchapter 37. Nuisance Wildlife Control Programs [AMENDED]

### **SUMMARY:**

These rules clarify seasons, methods, and acreages for hunting on several COE properties, mainly Ft. Gibson, Lake Texoma, Eufaula, and Oologah. Allow more hunting opportunity on several Wildlife Management Areas, including expanding the boundary on Tishomingo and Keystone, allow either-sex deer hunting on Chickasaw NRA, and allow more antlerless days on Lexington. Also change "conibear" traps to

"body gripping" traps, reduce spring turkey to 1 tom on Love Valley and Hickory Creek WMA's to be consistent with the county bag limit, and correct turkey hunting hours on Beaver WMA-McFarland Unit. Change youth hunt age to under 16 years old, allow youth deer gun hunters to take a turkey in open counties, restrict deer hunters to one antlered deer during the muzzleloader and gun seasons combined, and remove duplicate controlled hunt application fee language (already covered in Title 29).

**AUTHORITY:**

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

**COMMENT PERIOD:**

Person wishing to present their views orally or in writing may do so before 4:30 p.m. on January 11, 2013 at the following address: Oklahoma Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, OK 73105.

**PUBLIC HEARING:**

**Date:** January 8, 2013

**Time:** 7:00 p.m.

Oklahoma City - Oklahoma Department of Wildlife Conservation Auditorium  
1801 N. Lincoln Blvd.  
Oklahoma City, OK

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Blvd., Oklahoma City, OK 73105, Room 221.

**RULES IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 12, 2012 at the above address for the Oklahoma Department of Wildlife.

**CONTACT PERSON:**

Alan Peoples, Chief of Wildlife, 405-521-3721 or Rhonda Hurst, APA Liaison, 405-522-6279.

*[OAR Docket #12-966; filed 11-1-12]*

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

*[OAR Docket #12-967]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Use of Department Managed Lands  
[AMENDED]

**SUMMARY:**

Open Candy Creek to camping, and prohibit air boats on Tishomingo WMU to be consistent with the National Wildlife Refuge restriction. Clarify methods, hunting hours, and weapons allowed regarding taking or pursuing feral hogs on Wildlife Management Areas during any open deer or turkey season. Allow horseback riding on WMA's during closed periods if no hunter conflicts are determined by the local biologist. Add wording to strengthen current baiting law on WMA's.

**AUTHORITY:**

Title 29 O.S., Sections 3-103 and 5-401 Article XXVI, Sections 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission and Title 2 O.S., Section 6-606.

**COMMENT PERIOD:**

Person wishing to present their views orally or in writing may do so before 4:30 p.m. on January 11, 2013 at the following address: Oklahoma Department of Wildlife Conservation, 1801 N. Lincoln Blvd., Oklahoma City, OK 73105.

**PUBLIC HEARING:**

**Date:** January 8, 2013

**Time:** 7:00 p.m.

Oklahoma City - Oklahoma Department of Wildlife Conservation Auditorium  
1801 N. Lincoln Blvd.  
Oklahoma City, OK

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Blvd., Oklahoma City, OK 73105, Room 221.

**RULES IMPACT STATEMENT:**

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 12, 2012 at the above address for the Oklahoma Department of Wildlife Conservation.

**CONTACT PERSON:**

Alan Peoples, Chief of Wildlife Division, 405-521-3721 or Rhonda Hurst, APA Liaison, 405-522-6279.

*[OAR Docket #12-967; filed 11-1-12]*



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# Submissions for Review

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

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

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

*[OAR Docket #12-982]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

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

**SUBMITTED TO GOVERNOR:**

November 7, 2012

**SUBMITTED TO HOUSE:**

November 7, 2012

**SUBMITTED TO SENATE:**

November 7, 2012

*[OAR Docket #12-982; filed 11-9-12]*

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# Withdrawn Rules

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

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

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

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

*[OAR Docket #12-987]*

### **RULEMAKING ACTION:**

Withdrawal of PERMANENT rulemaking

### **WITHDRAWN RULES:**

Subchapter 1. Agriculture Environmental Permitting and AGPDES

Part 1. General Provisions

35:44-1-3 [AMENDED]

Subchapter 3. Permit Conditions and Requirements

35:44-3-3 [AMENDED]

### **DATES:**

#### **Adoption:**

N/A

#### **Submitted To Governor:**

N/A

#### **Submitted To House:**

N/A

#### **Submitted To Senate:**

N/A

#### **Withdrawn:**

November 9, 2012

*[OAR Docket #12-987; filed 11-9-12]*

## **TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 10. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)**

*[OAR Docket #12-996]*

### **RULEMAKING ACTION:**

Withdrawal of EMERGENCY rulemaking

### **WITHDRAWN RULES:**

Subchapter 2. Temporary Assistance for Needy families (TANF) Work Program

340:10-2-3 [AMENDED]

340:10-2-6 [AMENDED]

Subchapter 3. Conditions of Eligibility - Need

Part 5. Assistance Payments

340:10-3-56 through 340:10-3-57 [AMENDED]

Subchapter 4. Mandatory Drug Screening [NEW]

340:10-4-1 [NEW]

(Reference APA WF 12-05)

### **DATES:**

#### **Adoption:**

September 26, 2012

#### **Submitted to Governor:**

September 26, 2012

#### **Submitted to House:**

September 26, 2012

#### **Submitted to Senate:**

September 26, 2012

#### **Withdrawn:**

November 8, 2012

#### **CONTACT PERSON:**

Dena Thayer, Programs Administrator at 521-4326

*[OAR Docket #12-996; filed 11-9-12]*

## **TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 40. CHILD CARE SUBSIDY PROGRAM**

*[OAR Docket #12-997]*

### **RULEMAKING ACTION:**

Withdrawal of EMERGENCY rulemaking

### **WITHDRAWN RULES:**

Subchapter 7. Eligibility

340:40-7-8 [AMENDED]

(Reference WF 12-06)

### **DATES:**

#### **Adoption:**

September 26, 2012

#### **Submitted to Governor:**

September 26, 2012

#### **Submitted to House:**

September 26, 2012

#### **Submitted to Senate:**

September 26, 2012

#### **Withdrawn:**

November 8, 2012

#### **CONTACT PERSON:**

Dena Thayer, Programs Administrator at 521-4326

*[OAR Docket #12-997; filed 11-9-12]*



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

[OAR Docket #12-980]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

150:140-1-1 [NEW]  
150:140-1-2 [NEW]  
150:140-1-3 [NEW]  
150:140-1-4 [NEW]  
150:140-1-5 [NEW]  
150:140-1-6 [NEW]

### AUTHORITY:

The legislation establishing the Oklahoma Department of Commerce, 74 O.S. §§ 5001 et seq., and Section 2 of House Bill 1953 of the 1st Session of the 53rd Oklahoma Legislature executed by the Governor of the State of Oklahoma on May 24, 2011

### DATES:

#### Adoption:

September 25, 2012

#### Approved by Governor:

October 30, 2012

#### Effective:

Immediately upon the Approval by the Governor or November 1, 2012, whichever is later.

#### 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:

62 O.S. § 48.2(F) mandates the Oklahoma Department of Commerce to promulgate rules for the administration of the Quick Action Closing Fund. The underlying legislation for the Quick Action Closing Fund will become effective November 1, 2012.

### ANALYSIS:

The Emergency Rules provide a systematic, equitable method for making application for the Quick Action Closing Fund.

### CONTACT PERSON:

Donald R. Hackler, Jr. (405) 815-5359

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR NOVEMBER 1, 2012, WHICHEVER IS LATER AS SET FORTH IN 75 O.S., SECTION 253(D):**

### **150:140-1-1. Purpose and scope**

(a) The purpose of these rules is to implement the Oklahoma Quick Action Closing Fund at the Oklahoma Department of Commerce.

(b) All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Governor for the purposes of economic development and related infrastructure development in instances in which expenditure of such funds would likely be a determining factor in locating a high-impact business project or facility in Oklahoma or in retaining such project or facility within the state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of State Finance for approval and payment. [62 O.S. § 48.2(B)]

### **150:140-1-2. Definitions**

In addition to those terms defined elsewhere in this chapter, the following words and terms when used in this subchapter shall have the following meaning unless the context clearly indicates otherwise.

"Department" means the Oklahoma Department of Commerce established pursuant to 74 O.S. §§ 5001 et seq. and any successor agencies thereto.

"Director" means the duly appointed and acting Director of the Department or during any period of time that the position of Director is vacant; such term shall refer to the person serving as the acting or interim director.

"Oklahoma Quick Action Closing Fund" means the fund established at the Oklahoma Treasury for the Oklahoma Department of Commerce, for the purposes set forth in 62 O.S. § 48.2.

### **150:140-1-3. Application process**

(a) For the purpose of evaluating the applications, the Department will require all applicants interested in the Oklahoma Quick Action Closing Fund to submit an application in a form prescribed by departmental guidelines as provided in the application packet. All applications will be required to contain sufficient information to permit the Department to comprehensively review the project proposal and determine if the project will result in a net economic benefit to the State of Oklahoma. The application for the Quick Action Closing Fund will be based

## Emergency Adoptions

upon the statutory mandates set forth in 62 O.S. § 48.2 and to provide the information required in 150:140-1-4.

- (1) The Department will make available upon request application forms and application guidelines.
  - (2) The forms and guidelines will provide information that will assist applicants in their application preparation.
  - (3) The guidelines and forms set forth shall apply to all applications and awards made in the program year corresponding with the application and application guidelines packet.
- (b) In order to qualify for any funds from the Oklahoma Quick Action Closing Fund, the establishment making application shall be engaged in a business activity described by a North American Industry Classification System (NAICS) Code used to define eligibility for incentive payments from the Oklahoma Quality Jobs Program Act as defined in Section 3603 of Title 68 of the Oklahoma Statutes or a business activity described by Section 3603 of Title 68 of the Oklahoma Statutes or be engaged in a "basic industry" used to define eligibility for incentive payments from the 21st Century Quality Jobs Incentive Act as prescribed by Section 3913 of Title 68 of the Oklahoma Statutes. [62 O.S. § 48.2(C)]
- (c) The application needs to include a full and complete description of the project which includes the following:
- (1) The number of jobs to be created if the project is a new or existing company;
  - (2) The number of jobs to be retained if the project is an existing company;
  - (3) The average salary of jobs to be created or retained by the company;
  - (4) The latest audited financial statements of the company including the credit rating of the company if it has issued publicly held debt;
  - (5) The total capital investment to be made by the company:
    - (A) Sources of the capital investment; and
    - (B) If the investment is secured or if applications/solicitations are pending.
  - (6) The relative likelihood of other business enterprises locating within the same vicinity or within the state as a result of the company's location or expansion as a result of payments from the Oklahoma Quick Action Closing Fund;
  - (7) The relative impact on the economy of the area or community in which the company is or will be conducted;
  - (8) The location of the project;
  - (9) Any needed infrastructure improvements at the project site for the project to go forward;
  - (10) All investment, both in kind and monetary, from local governmental units in support of the project;
  - (11) The history of the company including date and location of establishment, and significant accomplishments of the company; and
  - (12) North American Industries Classification System ("NAICS") code for qualifying business activity.

### **150:140-1-4. Award process**

(a) The Oklahoma Department of Commerce shall administer the Oklahoma Quick Action Closing Fund, and expenditures from the fund shall be recommended by the Director of the Oklahoma Department of Commerce to the Governor after a thorough evaluation of selected projects or facilities. The Director of the Oklahoma Department of Commerce shall only recommend expenditures that the Director determines are expected to result in a net economic benefit to the state through the following:

- (1) The creation of new jobs which offer a basic health benefit plan, as defined in the Oklahoma Quality Jobs Program Act;
  - (2) The maintenance of existing jobs which are at a risk for termination;
  - (3) Investment in new real property, plant or equipment or in the improvement or retooling of existing plant or equipment; or
  - (4) Additional revenues in either ad valorem, income or sales and use taxes. [62 O.S. § 48.2(E)]
- (b) The Governor will make the funding decision, after review of the recommendation and evaluation submitted by the Director of the Oklahoma Department of Commerce.
- (c) The Governor shall not approve payments from the Oklahoma Quick Action Closing Fund unless the Department of Commerce has conducted a complete analysis of the potential impact of the applicant's business activity which shall include, but not be limited to:

- (1) The number of jobs to be created by a new business establishment;
- (2) The number of jobs to be retained by an existing business establishment;
- (3) The average salary of jobs to be created by a new establishment;
- (4) The average salary of jobs to be retained by an existing business establishment;
- (5) The total capital investment to be made by the business establishment;
- (6) The likelihood of other business establishments locating within the same vicinity or within the state as a result of the business activity to be conducted by the entity to receive payments from the Oklahoma Quick Action Closing Fund;
- (7) The impact on the economy of the area or community in which the business activity of the applicant is or will be conducted; and
- (8) Such other factors as the Governor and the Department of Commerce determine to be relevant. [62 O.S. § 48.2(D)]

### **150:140-1-5. Award agreement**

(a) Upon approval by the Governor, the Oklahoma Department of Commerce shall enter into an agreement that sets forth the conditions for payment of monies from the Oklahoma Quick Action Closing Fund. The agreement must include:

- (1) The total amount of funds awarded;

TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #12-958]

(2) The performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment;

(3) If appropriate, a baseline of current service and measure of enhanced capability;

(4) The methodology of validating performance;

(5) The schedule of payments from the fund, and claw-back provisions for failure to meet performance conditions; and

(6) A requirement that no monies paid from the Oklahoma Quick Action Closing Fund shall be used by a recipient or any other person or entity for purposes of any political contribution to or on behalf of any candidate or for the support of or opposition to any measure including but not limited to an initiative petition or referendum. [62 O.S. § 48.2(H)]

(b) If any or all of the amount to be awarded is used to build a capital improvement:

(1) The funds used for the capital improvement shall be deemed to be held in trust for the benefit of the state and shall be considered as a priority claim for purposes of federal bankruptcy law; and

(2) If the capital improvement is sold, the recipient of the award shall:

(A) repay the state the money awarded to pay for the capital improvement, with interest at the rate and according to the other terms provided by the agreement, and

(B) share with the state a proportionate amount of any profit realized from the sale. [62 O.S. § 48.2(J)]

(c) If, as of the date certain provided in the agreement, the award recipient has not used monies awarded for the intended purposes, the recipient shall repay that amount and any related interest to the state at the agreed rate and on the agreed terms and any such amounts shall be deemed to be held in trust for the benefit of the state and shall be considered as a priority claim for purposes of federal bankruptcy law. [62 O.S. § 48.2(K)]

**150:140-1-6. Disclosure of payments**

The Department of Commerce shall make available on its website or other website dedicated for this purpose a complete disclosure of all payments made from the Oklahoma Quick Action Closing Fund. The disclosure shall include a description of the expenditures made by the business establishment with the payments made from the fund. No proprietary information of the business establishment shall be subject to the requirements of this subsection. [62 O.S. § 48.2(I)]

[OAR Docket #12-980; filed 11-8-12]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 5. Practice and Procedure  
Part 10. Business Closure Proceedings [NEW]  
710:1-5-110 through 710:1-5-122 [NEW]

**AUTHORITY:**

68 O.S. § 203; Oklahoma Tax Commission

**DATES:**

**Adoption:**

September 11, 2012 (Commission Order Nos. 2012-09-11-01 and 2012-09-25-33)

**Approved by Governor:**

October 22, 2012

**Effective:**

Immediately upon Governor's approval or November 1, 2012, whichever is later.

**Expiration:**

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

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

A new section of law was enacted (Section 1368.3 of Title 68) pursuant to SB 1984 authored by Senator Jolley of the Senate and Representative Sears of the House, and signed by the Governor on May 30, 2012. The new statutory law provides that the Oklahoma Tax Commission may close the business of a noncompliant taxpayer, subject to the administrative and judicial appeal procedures provided in this measure, if the noncompliant taxpayer fails to remit tax due or file a report three (3) times within any consecutive twenty-four-month (24) period as required for sales taxes under the Oklahoma Sales Tax Code. The statutory language will take effect on November 1, 2012. Therefore, an emergency exists in which emergency rules need to be put in effect in order for the Oklahoma Tax Commission to implement this new law.

**ANALYSIS:**

New Part 10. Business Closure Proceedings has been added to reflect the provisions of SB 1984 (53<sup>rd</sup> Legislature, Second Regular Session) which sets out definitions, business closure procedures, notice requirements and hearing and appeal procedures.

**CONTACT PERSON:**

Lisa Haws, OBA #12695, Tax Policy Analyst; (405) 521-3133.

**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), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR NOVEMBER 1, 2012, WHICHEVER IS LATER:**

**SUBCHAPTER 5. PRACTICE AND PROCEDURE**

**PART 10. BUSINESS CLOSURE PROCEEDINGS**

## Emergency Adoptions

### **710:1-5-110. Definitions**

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

**"Business day"** means a day on which State offices are open for regular business.

**"Noncompliant taxpayer"** means any taxpayer who, within any consecutive twenty-four-month period, has failed to file two (2) reports or remit tax due for any two (2) months, as required for sales taxes under the Oklahoma Sales Tax Code.

### **710:1-5-111. Noncompliant taxpayer determination and advisory**

For tax periods occurring after October 31, 2012, should a taxpayer fail to file two (2) reports or remit sales tax due for two (2) months within a twenty-four-month period, the taxpayer is deemed to be noncompliant and will be issued an advisory that a third delinquency in reporting or remitting sales taxes occurring prior to payment of identified tax delinquencies within the twenty-four-month period will result in closure of taxpayer's business. The advisory provided pursuant to this Section will be sent certified by the U.S. postal service to the taxpayer's last-known address shown on taxpayer's most recent sales tax return filed with the Tax Commission or will be hand delivered to the taxpayer's business address.

### **710:1-5-112. Commencement of twenty-four month period and examples**

(a) **Commencement of twenty four month period.** Beginning November 1, 2012, a taxpayer's initial sales tax delinquency begins commencement of the twenty-four month period for purposes of the business closure proceedings.

(b) **Examples.** The following examples illustrate the application of the twenty-four month period.

(1) A taxpayer is delinquent for November and December of 2012, but does not incur another delinquency until January 2015; no business closure order will be issued. Taxpayer's January 2015, delinquency begins commencement of a new twenty-four month period.

(2) A taxpayer is delinquent for November and December of 2012 and pays the tax, interest, penalty and fees due before incurring an additional delinquency in May 2013. A business closure order will not be issued. The May 2013 delinquency begins a new twenty-four month period.

### **710:1-5-113. Orders of business closure**

(a) **Applicability.** When a taxpayer deemed noncompliant fails to report or pay sales tax for a third month within a twenty-four-month (24) month period an Order of Business Closure will be issued.

(b) **Contents of business closure order.** The order will outline the outstanding reports and tax payments and will advise the noncompliant taxpayer that the business will be closed unless taxpayer within five (5) business days from the delivery or attempted delivery of the order exercises one of the following options:

(1) Provides proof to the satisfaction of the Tax Commission that the delinquent reports and/or payments have been previously filed and/or paid.

(2) Files all outstanding sales tax reports and remits the delinquent sales tax including any accrued interest, penalty and fees.

(3) Pursuant to the terms outlined in Section 710:1-5-114 enters into an installment agreement approved by the Tax Commission to satisfy the delinquent sales tax, interest, penalty and fees due.

(4) Objects to the business closure by filing a written protest and request for an administrative hearing.

(c) **Order requirements.** Orders of Business Closure will be sent certified by the U.S. postal service to the taxpayer's last-known address shown on taxpayer's most recent sales tax return filed with the Tax Commission or hand delivered to the taxpayer's business address.

### **710:1-5-114. Installment payment agreements**

(a) **Eligibility and terms of installment payment agreements.** Noncompliant taxpayers owing sales tax delinquencies of Five Hundred Dollars (\$500.00) or less are not eligible for an installment payment agreement. Installment Payment Agreements (IPA) for sales tax delinquencies over Five Hundred Dollars (\$500.00) require a down payment equal to or greater than one-fourth (1/4) of the sales tax, interest, penalty and fees owed. The agreement shall not exceed twelve (12) months. A tax warrant for the delinquent sales tax, interest, penalty and fees will be filed by the Tax Commission to protect the State's interest.

(b) **Installment agreement conditions.**

(1) Taxpayer must file all outstanding sales tax returns.

(2) Taxpayer must make installment payments when due by cashier's check, money order, or credit card accepted by the Tax Commission.

(3) Taxpayer must remain in compliance, filing and paying in full all sales tax returns that come due during the term of the installment payment agreement.

(c) **Execution and form of installment agreement.** The installment agreement must be in writing and signed by both the taxpayer and a division representative.

(d) **Default.** Taxpayers failing to abide by the requirements set out in subsection (b) of this Section will be considered in default. Once in default, the business closure will be served immediately without further notice to the defaulting taxpayer pursuant to Section 710:1-5-121. While a taxpayer being or becoming delinquent for taxes other than sales tax during the pendency of an approved installment agreement does not constitute default, the Tax Commission is not precluded from taking any action to collect these taxes including setting the matter for show cause hearing pursuant to Section 710:1-5-100.

(e) **Exceptions to terms of and eligibility for installment payment agreements.** Requests for installment payment agreements outside the parameters of subsection (a) of this Section may be granted. Requests by taxpayers with hearings scheduled pursuant to Section 710:1-5-116 may be made to the Administrative Law Judge. Otherwise, such requests should be made to the Executive Director of the Oklahoma Tax

Commission. In the event the request for an extended installment agreement is denied by the Administrative Law Judge or Executive Director the taxpayer may make the request at a regularly scheduled meeting of the Tax Commissioners.

**710:1-5-115. Interest and penalty waiver requests**

(a) **Waiver requests.** In the event, a taxpayer prior to business closure by affixing of a placard as provided in Section 710:1-5-121, pays the delinquent sales tax in full and requests, in writing, a waiver of interest and penalty, the request will be treated as a protest and scheduled for hearing in the same manner as protests to business closures in Section 710:1-5-119.

(b) **Consideration of the request.** Before the scheduled hearing date, the waiver request must be considered by the applicable Division or Tax Commissioners, dependent upon the amount requested to be waived, and the taxpayer advised regarding approval/disapproval of the request.

(c) **Applicability of waiver request.** If the waiver request is approved, the hearing will be stricken from the docket and the taxpayer will be deemed compliant for purposes of the business closure proceedings. If the waiver request is not approved or only partially approved, the taxpayer will be afforded the opportunity, prior to or at the hearing, to pay in full the outstanding interest, penalties and fees or enter into an installment agreement to pay the outstanding amounts subject to the provisions of Section 710:1-5-114.

**710:1-5-116. Protest and hearing request by noncompliant taxpayer**

(a) **Contents and form of protest and request for hearing.** The protest and request for hearing must be made in writing, signed by the taxpayer or an authorized representative, and should outline therein:

- (1) Taxpayer's name, address and social security number or employer's identification number;
- (2) Taxpayer's sales tax permit number;
- (3) The sales tax reporting periods at issue; and
- (4) That an administrative hearing is requested including the manner in which the taxpayer desires the hearing to be held whether in person, by telephone, upon written documents furnished by the noncompliant taxpayer, or upon written documents and evidence produced by the noncompliant taxpayer at hearing.

(b) **Rule applicability.** The tax protest procedure outlined in 710:1-5-21 through 710:1-5-48 is not applicable to the business closure protest proceedings which are solely governed by the provisions of 710:1-5-116 through 710:1-5-120.

**710:1-5-117. Timely filing of protest and applications for hearing**

In order for the protest to be considered timely it must be filed within five (5) business days after the date of delivery or attempted delivery of the business closure order.

**710:1-5-118. Defenses to business closure**

The only defenses to business closure are proof that the noncompliant taxpayer:

- (1) Filed all delinquent returns and paid the delinquent sales tax due including interest, penalty and fees; or
- (2) Has entered into a payment agreement pursuant to Section 710:1-5-114 to satisfy the sales tax due including interest, penalty and fees.

**710:1-5-119. Hearing procedures governing protests to orders of business closure**

(a) **Hearing schedule.** The date, time, and place for the hearing will be set by the hearing officer and provided to the noncompliant taxpayer by mail at least five (5) days in advance of the hearing.

(b) **Administrative hearing.** The administrative hearing will be conducted by a hearing officer appointed by the Tax Commission. The administrative hearing will be held within fourteen (14) calendar days of receipt by the Tax Commission of the noncompliant taxpayer's request for hearing. Subject to the approval of the hearing officer, the administrative hearing may be held in person, by telephone, upon written documents furnished by the noncompliant taxpayer, or upon written documents and any evidence produced by the noncompliant taxpayer at an administrative hearing. A noncompliant taxpayer who requests an administrative hearing based upon written documents is not entitled to any other administrative hearing regarding the matter prior to the date a decision is rendered by the hearing officer. The noncompliant taxpayer may be represented by an authorized representative who may present evidence in support of the position of the noncompliant taxpayer.

**710:1-5-120. Hearing officer decisions**

The decision of the hearing officer to affirm or deny the business closure must be rendered in writing with copies delivered to the noncompliant taxpayer by the U.S. postal service or by hand delivery.

**710:1-5-121. Business closure**

If a noncompliant taxpayer fails to fully exercise one of the options to avoid business closure outlined in paragraphs (1) through (3) of subsection (b) of Section 710:1-5-113, or to comply with the terms of an installment payment agreement pursuant to Section 710:1-5-114, or timely seek administrative or judicial review of a business closure decision, or if the business closure decision is affirmed after administrative or judicial review, the Tax Commission shall provide notice of business closure by affixing a placard to all entrances of the business that:

- (1) Identifies the business as being subject to a business closure order; and
- (2) States that the business is prohibited from further operation.

# Emergency Adoptions

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## 710:1-5-122. Legal injunctions

After being given notice of business closure, it shall be unlawful for any person to continue to operate the business. If a person continues or threatens to continue the unlawful operation of the business after having received notice of the closure, upon complaint of the Tax Commission, the person shall be enjoined from further operating or conducting the unlawful business. In all cases where injunction proceedings are brought under this Section, the Tax Commission shall not be required to furnish bond. Where notice of closure has been given in accordance with the provisions of Section 710:1-5-121, no further notice shall be required before the issuance of a temporary restraining order.

[OAR Docket #12-958; filed 10-30-12]

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

[OAR Docket #12-957]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

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

### AUTHORITY:

Oklahoma Uniform Building Code Commission; 59 O.S. §§ 1000.23

### DATES:

#### Comment Period:

August 6, 2012 through September 14, 2012

#### Public Hearing:

September 18, 2012

#### Adoption:

September 18, 2012

#### Approved by Governor:

October 22, 2012

#### Effective:

November 1, 2012

#### Expiration:

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

### SUPERSEDED EMERGENCY ACTIONS:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

The emergency rule deletes the definition of a "Hardship Waiver of Late Fees" from the section, in conformity with the amendments to 59 O. S. 2011 § 1000.25 adopted by the Fifty-Third Legislature, 2012 Second Regular Session, effective November 1, 2012.

### ANALYSIS:

The emergency rule amends the definitions section of the administrative rules to delete the definition of a "Hardship Waiver of Late Fees". This definition was deleted as the Commission's ability to waive late fees was revoked by the Legislature. This emergency rule is being promulgated under the authority of 59 O.S. § 1000.24 and 1000.28.

### CONTACT PERSON:

Kathy Hehnly (405) 521-6506

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR NOVEMBER 1, 2012, WHICHEVER IS LATER:**

## 748:3-1-2. Definitions

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

**"Authority Having Jurisdiction"** means an organization, office, or individual responsible for enforcing the requirements of the State Adopted Building Codes, including the prior authorization or approval of any equipment, materials, installations or procedures used in all or part of the construction of a new, or the alteration or renovation of an existing, building or structure, including integral finishes, fixtures and building systems therein.

**"Building Code"** means a collection of required standards and practices intended to apply to all or part of the construction of new, or the alteration or renovation of existing, buildings or structures, including integral finishes, fixtures and building systems therein.

**"Building Permit"** means any written or verbal authorization or approval, issued by an authority having jurisdiction, which allows the holder or other persons to commence the construction, alteration or renovation of all or part of a residential or commercial building or structure subject to the requirements of the State Adopted Building Codes. For purposes of this Title, the term building permit includes any process wherein authorization, approval or registration is required prior to construction even though: 1) a permitting or registration document is not issued at that time; 2) the authority having jurisdiction refers to the authorization, approval or registration as something other than a "permit"; or 3) the only activities performed by the authority having jurisdiction are fee-based inspections of the work performed. For purposes of this Title, each segment of a multi-segment permit shall be considered a separate building permit if the segment meets each of the following conditions: 1) the authority having jurisdiction requires a separate, stand-alone building permit for the segment work when said work is not performed as part of a multi-segment construction project; 2) the authority having jurisdiction charges a stand-alone building permit fee for the segment work when said work is not performed as part of a multi-segment construction project; and 3) the segment work is subject to the requirements of the State Adopted Building Codes.

**"Commercial Construction"** means any building related construction or appurtenances for commercial, retail or industrial purposes and residential construction other than one- and two-family dwellings and townhouses.

**"Construction Code"** and **"Construction Permit"** shall have the same meaning as, and be respectively interchangeable and synonymous with, the terms "Building Code" and "Building Permit" as defined herein, respectively.

~~**"Hardship Waiver of Late Fees"** shall be defined as a waiver of late fees based on or caused by some form of disaster, such as a tornado, flood, straight line winds, hail, fire, etc. or man made event destroying or impacting business operations of the jurisdiction and/or destroying jurisdictional records. The disaster shall be evidenced by police report, insurance claim forms, and claim forms supplied to FEMA or other documented and quantifiable claim for casualty loss to property of the governing body of the jurisdiction. Employee~~

turnover, computer issues and similar problems/issues shall not justify a hardship waiver. OUBCC shall be initially notified within 30 days of such disaster/event. A waiver shall only be considered when a written request for a waiver is received within 90 days of the initial notification of the hardship disaster/event.

"Multi-Segment Permitting" is the administrative process of consolidating multiple building permit work authorizations, approvals and/or registrations and the payment of required permit fees for a multi-segment construction project into a single administrative process.

"Residential Construction" means any building related construction or appurtenances for residential one- and two-family dwellings and townhouses.

"State Adopted Building Codes" means any legally applicable building code currently in force and effect within the State or a governing jurisdiction until superseded by a code adopted by the Commission and all building codes adopted by the Oklahoma Uniform Building Code Commission.

[OAR Docket #12-957; filed 10-29-12]

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

[OAR Docket #12-956]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

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

**AUTHORITY:**

Oklahoma Uniform Building Code Commission; 59 O.S. §§ 1000.23

**DATES:**

**Comment Period:**

August 6, 2012 through September 14, 2012

**Public Hearing:**

September 18, 2012

**Adoption:**

September 18, 2012

**Approved by Governor:**

October 22, 2012

**Effective:**

November 1, 2012

**Expiration:**

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

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

The emergency rule amendment is to conform the late fee assessment requirements of the Oklahoma Uniform Building Code Commission to those adopted by the Fifty-Third Legislature, 2012 Second Regular Session in its amendments to 59 O.S. 2011, §1000.25, effective November 1, 2012.

**ANALYSIS:**

The emergency rule amends the late fee collection process for the agency as well as removes the ability of the Commission to waive late fees. The late fee collection process was change by the Legislature from one percent (1%) per day until the total reaches one hundred percent (100%) of the original amount due to one percent (1%) per month until paid. The reporting time frame was changed from 20 days after the end of the previous month plus a 10-day grace period to a 30-day reporting period with no grace period to be included. Further the ability of the Commission to waive late fees was removed. This emergency rule is being promulgated under the authority of 59 O.S. § 1000.24 and 1000.28.

**CONTACT PERSON:**

Kathy Hehnlly (405) 521-6506

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR NOVEMBER 1, 2012, WHICHEVER IS LATER:**

**SUBCHAPTER 3. COLLECTION OF FEES**

**748:5-3-1. Late fee assessment**

Deposits of fees to the Oklahoma Uniform Building Code Commission Revolving Fund shall be ~~due on the twentieth day of each month remitted to the Commission thirty (30) days after the end of for the fees collected during~~ the preceding calendar month. ~~There shall be a late fee imposed for failure to make timely deposits~~ Past-due payments of fees shall be charged a late fee each month in an amount in such manner as provided in 59 O.S. § 1000.25 or its successor. The Oklahoma Uniform Building Code Commission, in its discretion, may waive all or part of the late fee. Such late fee shall be one percent (1%) of the principal amount due per day beginning from the tenth day after payment is due and accumulating until the late fee reaches one hundred percent (100%) of the principal amount due.

[OAR Docket #12-956; filed 10-29-12]

