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Mary Fallin, Governor
Chris Benge,
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 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 100. AIR POLLUTION CONTROL

[OAR Docket #14-844]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. Incorporation by Reference

252:100-2-3. [AMENDED]

Appendix Q. Incorporation by Reference [REVOKED]

Appendix Q. Incorporation by Reference [NEW]

SUMMARY:

The Department is proposing to update OAC 252:100, Appendix Q, Incorporation by Reference, to incorporate the latest changes to U.S. Environmental Protection Agency (EPA) regulations, including the addition of a new Subpart BBa in 40 CFR, Part 60, which applies to certain facilities at Kraft pulp mills, and Table A-1 to Subpart A of Part 98 containing the Global Warming Potentials for use in determining carbon dioxide equivalent (CO₂e) emissions for use in greenhouse gas (GHG) regulations. In addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q.

AUTHORITY:

The powers and duties of the Environmental Quality Board are set out in 27A O.S. Sections 2-2-101 and 2-5-106, and those of the Air Quality Advisory Council in 27A O.S. Sections 2-2-201 and 2-5-107. The legal authority authorizing the proposed rules is found in the Oklahoma Clean Air Act, 27A O.S. Sections 2-5-101 through -117, specifically 27A O.S. Sections 2-5-105, and -114 for Subchapter 2 and Appendix Q.

COMMENT PERIOD:

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on October 15, 2014. For comments received at least five (5) business days prior to the Council meeting, staff will post written responses on the Department's web page at least one (1) day prior to the Council meeting. Oral comments may be made at the October 15, 2014 hearing and at the November 13, 2014 Environmental Quality Board hearing.

PUBLIC HEARINGS:

A public hearing is scheduled before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, October 15, 2014, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

If the Council recommends adoption of the proposed rules, an additional public hearing will be held before the Environmental Quality Board at its next meeting, currently scheduled for 9:30 a.m. on Thursday, November 13, 2014, at Northeastern State University, Broken Arrow Campus, 3100 E. New Orleans St., Broken Arrow, Oklahoma 74014.

These hearings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 CFR Section 51.102 and 27A O.S. Section 2-5-107(6)(c), and to the State Title V (Part 70) Implementation Plan under the requirements of 40 CFR Part 70 and 27A O.S. Section 2-5-112(B)(9).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

The proposed rules are available for review 30 days prior to the hearing on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

RULE IMPACT STATEMENTS:

The rule impact statements will be available on and after September 15, 2014 on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for these proposals is Cheryl E. Bradley, Environmental Programs Manager, at (405) 702-4218. Please send written comments on the proposed rule changes to Ms. Bradley at cheryl.bradley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, ATTN: Cheryl E. Bradley. The Air Quality Division FAX number is (405)702-4101.

PERSONS WITH DISABILITIES:

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify

Notices of Rulemaking Intent

the Air Quality Division three (3) days in advance at (405)702-4172. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #14-844; filed 8-21-14]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 10. PHYSICIANS AND SURGEONS

[OAR Docket #14-846]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Regulation of Physician and Surgeon Practice

435:10-7-12. Establishing a physician/patient relationship; exceptions [NEW]

SUMMARY:

The proposed amendments to OAC 435:10-7-12 adds licensed providers ordering opioid antagonists pursuant to 63 O.S. §1-2506.2 to the list of physicians who are not required to have a face-to-face encounter in order to establish a physician-patient relationship.

AUTHORITY:

TITLE 59 O.S., Section 489, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from October 1, 2014 to November 4, 2014. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on November 6, 2014, at 9:00 a.m. at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than November 3, 2014.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement is available at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, 73015.

CONTACT PERSON:

Kathy Plant, Executive Secretary (405) 962-1400, ext. 122

[OAR Docket #14-846; filed 8-27-14]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 10. PHYSICIANS AND SURGEONS

[OAR Docket #14-847]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Temporary and Special Licensure

435:10-11-3. Procedure for special licensure [AMENDED]

SUMMARY:

Highly specialized physicians, such as critical care specialists, are being recruited away from Oklahoma, given high demand and few resources available. The law at 59 O.S. § 493.4 allows the Board to issue special medical licenses. This amendment clarifies that these licenses will be issued only in situations of exceptional need and to medical doctors with extraordinary qualifications, such as those in the very specialized area of advanced transplant and mechanical cardiac support critical care.

AUTHORITY:

TITLE 59 O.S., Sections 489 and 493.4, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from October 1, 2014 to November 4, 2014. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on November 6, 2014, at 9:00 a.m. at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than November 1, 2014.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement is available at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, 73015.

CONTACT PERSON:

Kathy Plant, Executive Secretary (405) 962-1400, ext. 122

[OAR Docket #14-847; filed 8-27-14]

**TITLE 545. BOARD OF PODIATRIC
MEDICAL EXAMINERS
CHAPTER 35. FEE SCHEDULE**

[OAR Docket #14-845]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

545:35-1-2. Fees [AMENDED]

SUMMARY:

Senate bill 302 [2013] authorized the Board of Podiatric Medical Examiners to require renewal of licensure biennially. The amendments double the renewal fee to \$150 but, since the renewal is changing from one year to two, the total amount does not change. The law at 59 O.S., Section 145, authorizes the Board to charge up to four times the renewal fee for reinstatement for those Podiatrists who do not renew their license by the June 30th deadline. However, the Board proposes to increase the reinstatement fee to \$250 (a 25 percent increase) in order to dissuade late renewals. Senate bill 302 [2013] also authorized a Training License and a fee for that license is being added.

AUTHORITY:

TITLE 59 O.S., Section 141, State Board Podiatric Medicine Practice Act

COMMENT PERIOD:

The comment period will run from September 15, 2014 to October 21, 2014. Written comments may be sent to the office of the Board, 101 N.E. 51st Street, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on October 24, 2014, at 5:30 P.M. at the Oklahoma City Sheraton, 1 N. Broadway Avenue, Oklahoma City, Oklahoma

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement is available at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, 73015.

CONTACT PERSON:

Kathy Plant, Executive Secretary (405) 962-1400, ext. 122

[OAR Docket #14-845; filed 8-27-14]

Emergency Adoptions

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

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

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

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

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

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

[OAR Docket #14-841]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 4. Common Core State Standards [REVOKED]

210:15-4-1. Purpose [REVOKED]

210:15-4-2. Definitions [REVOKED]

210:15-4-3. Adoption and implementation [REVOKED]

AUTHORITY:

70 O.S. § 3-104, State Board of Education; 70 O.S. § 11-103.6a.

ADOPTION:

July 23, 2014

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

July 31, 2014

EXPIRATION:

Effective through September 14, 2015, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Pursuant to 75 O.S. § 253(A)(c), the emergency rule is necessary to comply with HB 3399, which went into effect on June 5, 2014.

ANALYSIS:

The proposed amendments revoke the 2011 rules at 210:15-4-1, 210:15-4-2, and 210:15-4-3 pertaining to adoption and implementation Common Core academic standards.

CONTACT PERSON:

Stephanie Moser Goins, Assistant General Counsel, (405) 521-4890

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

SUBCHAPTER 4. COMMON CORE STATE STANDARDS [REVOKED]

210:15-4-1. Purpose [REVOKED]

~~The rules of the Subchapter have been adopted for the purpose of adopting and implementing the Common Core State Standards as developed by the National Governors Association Center for Best Practices and the Council of Chief State School Officers as part of a multi-state initiative to increase the rigor and comparability of state standards to meet the desired levels of competencies for students in public schools according to 70 O.S. § 11-103.6 and to review and revise core curriculum requirements according to provisions of 70 O.S. § 11-103.6(a).~~

210:15-4-2. Definitions [REVOKED]

~~The following words and terms, when used in this Subchapter, shall have the following meaning:~~

~~"Common Core State Standards" means the standards and expectations developed and/or revised by the National Governors Association Center for Best Practices and the Council of Chief State School Officers.~~

~~"English Language Arts" means the set of Common Core State Standards developed and/or revised for grades K-12 including reading (foundational skills, reading literature, and reading informational text), writing, speaking and listening, and language.~~

~~"Literacy in History/Social Studies and Science" means the set of Common Core State Standards developed and/or revised for grades 6-12 including reading standards for history/social studies, reading standards for science, and writing standards for history/social studies and science.~~

~~"Mathematics" means the set of Common Core State Standards developed and/or revised for grades K-12 including number (counting and cardinality, operations and the problems they solve, base ten, and fractions), measurement and data, geometry, ratios and proportional relationships, the number system, expressions and equations, functions, statistics and probability, High School number and quantity, High School algebra, High School functions, High School modeling, High School probability and statistics, and High School geometry.~~

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210:15-4-3. Adoption and implementation [REVOKED]

(a) ~~The Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, and Mathematics shall be adopted and implemented as follows:~~

~~(1) Effective immediately, the Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, and Mathematics are adopted by the State of Oklahoma;~~

~~(2) Beginning with the 2010-2011 school year, the school districts of the state shall develop and begin implementing a plan for transitioning from the Priority Academic Student Skills to full implementation of the Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, and Mathematics as described in (b) of this rule by the 2014-2015 school year or the school year in which common assessments aligned to the Common Core State Standards will be available, whichever is later;~~

~~(3) Beginning with FY 2011, the Oklahoma State Department of Education shall pursue participation in consortia of states, as appropriate, to develop common assessments aligned to the Common Core State Standards; and~~

~~(4) The Priority Academic Student Skills shall remain as the assessed standards until such time that full implementation of the Common Core State Standards are required and common assessments aligned to those standards are available.~~

(b) ~~By the 2014-2015 school year or the school year in which common assessments aligned to the Common Core State Standards will be available, whichever is later, the Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, and Mathematics shall be fully implemented by replacing or being added to the Priority Academic Student Skills as follows:~~

~~(1) English Language Arts for grades K-12 shall replace the Priority Academic Student Skills in Language Arts for grades K-12 with the provision that the State Board of Education reserves the right to add up to 15 percent additional standards to the Common Core State Standards as appropriate;~~

~~(2) Literacy in History/Social Studies and Science for grades 6-12 shall be added to the Priority Academic Student Skills in:~~

~~(A) World studies for grade 6, world geography for grade 7, and United States History 1760-1877 for grade 8;~~

~~(B) Economics for high school, Oklahoma history for high school, United States government for high school, United States History 1850 to the Present for high school, world geography for high school, and World History for high school;~~

~~(C) Inquiry, physical, life, and earth/space science for grades 6-8; and~~

~~(D) Biology I, Chemistry, and Physics; and~~

~~(3) Mathematics for grades K-12 shall replace the content and process standards of the Priority Academic Student Skills in:~~

~~(A) Mathematics for grades K-8 with the provision that the State Board of Education reserves the right to add up to 15 percent additional standards to the Common Core State Standards as appropriate; and~~

~~(B) Algebra I, Algebra II, and Geometry with the provision that the State Board of Education reserves the right to add up to 15 percent additional standards to the Common Core State Standards as appropriate, provided that a committee of Oklahoma stakeholders assembled by the State Department of Education has separated the Common Core State Standards for high school mathematics into appropriate courses.~~

~~(e) At any point in time that the National Governors Association Center for Best Practices and the Council of Chief State School Officers or any other consortia of which Oklahoma is a member and that represents the best interests of a majority of states reviews or revises the Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, or Mathematics, these revisions shall be adopted, effective immediately upon approval of the State Board of Education, and implemented through a transition process similar to that described in (a)(2) with full implementation by the school year in which common assessments aligned to those revisions are available.~~

~~(d) At any point in time that the National Governors Association Center for Best Practices and the Council of Chief State School Officers or any other consortia of which Oklahoma is a member and that represents the best interests of a majority of states develops Common Core State Standards in any additional content areas, these standards shall be reviewed and adopted by the State Board of Education as appropriate, and implemented through a transition process similar to that described in (a)(2) with full implementation by the school year in which common assessments aligned to those standards are available.~~

[OAR Docket #14-841; filed 8-12-14]

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

[OAR Docket #14-842]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 34. Supplemental Online Course Procedures
210:15-34-1. General provisions [AMENDED]

AUTHORITY:

70 O.S. § 3-104, State Board of Education; 70 O.S. § 1-111; 70 O.S. § 11-103.6a

ADOPTION:

July 23, 2014

EFFECTIVE:

September 13, 2014

APPROVED BY GOVERNOR:

July 31, 2014

EXPIRATION:

Effective through September 14, 2015, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

Subchapter 34. Supplemental Online Course Procedures
210:15-34-1. General provisions [AMENDED]

Gubernatorial approval:

July 24, 2013

Register Publication:

30 Ok Reg 2167

Docket Number:

13-1145

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Pursuant to 75 O.S. § 253(A)(c), the emergency rule is necessary to comply with HB 3399, which went into effect on June 5, 2014.

ANALYSIS:

The proposed amendment to the rule removes the reference to Common Core academic standards.

CONTACT PERSON:

Stephanie Moser Goins, Assistant General Counsel (405) 521-4890

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), WITH A LATER EFFECTIVE DATE OF SEPTEMBER 13, 2014:

SUBCHAPTER 34. SUPPLEMENTAL ONLINE COURSE PROCEDURES

210:15-34-1. General provisions

(a) **Purpose.** The purpose of this program is to make supplemental learning opportunities available to local school district students using online technology in a nontraditional classroom setting, (i.e., inside or outside of public school site locations). The supplemental online course enrollment options are for public school students enrolled in the district. This rule establishes policies and procedures as directed by 2011 Senate Bill 280, which amends Oklahoma Statute Title 70, Section 1-111.

(b) **General Information.** The Oklahoma Supplemental Online Course Program (hereafter referred to as OSOCP), establishes a framework for districts to offer supplementary online courses to any public student residing in Oklahoma. All OSOCP teachers shall be: 1) appropriately certified in accordance with Oklahoma Administrative Rule 210:35-21-2 to teach in the content area of the course offered, or 2) a faculty member at an accredited institution of higher education, possessing the specific content expertise necessary to teach the course. All courses offered through OSOCP shall be aligned with Oklahoma's Priority Academic Student Skills (PASS) ~~curriculum standards and/or Common Core State Standards (CCSS)~~. Local districts have control regarding the method by which they deliver online courses to enrolled students.

(c) **Definitions.**

(1) **Supplemental online course.** An online program that allows students who are enrolled in a public school to

supplement their education by enrolling part time in online courses that are educationally appropriate for the student, which are equal to the equivalent of classroom instruction time required for student attendance and participation by the district.

(2) **Educationally appropriate.** For the purposes of supplemental online courses, "educationally appropriate" means any instruction that is not substantially a repeat of a course or portion of a course that the student has successfully completed, regardless of the grade of the student, and regardless of whether a course is similar to or identical to the instruction that is currently offered in the school district. The determination of educationally appropriate will be made at local district level.

[OAR Docket #14-842; filed 8-12-14]

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

[OAR Docket #14-843]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

715:1-1-19 [NEW]

AUTHORITY:

70 O.S. Section 17-101, et seq., especially Section 17-106(10); Board of Trustees

ADOPTION:

July 23, 2014

EFFECTIVE:

Immediately upon Governor's approval

APPROVED BY GOVERNOR:

July 31, 2014

EXPIRATION:

Effective through September 14, 2015, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

Incorporated standard:

Definition of retired teachers' organization pursuant to 70 O.S. Section 17-122.1

Incorporating rules:

715:1-1-19

Availability:

8:00 a.m. to 5:00 p.m., Monday through Friday, Oklahoma Teachers Retirement System, Oliver Hodges Building, 2500 North Lincoln Boulevard, 5th Floor, Oklahoma City, OK 73105

FINDING OF EMERGENCY:

These rules will provide a more efficient administration of the System. This rule is necessitated by HB2740 with an effective date of July 1, 2014. As there is the possibility that more than one statewide organization representing retired educators exists, without the adopting of this rule, there is no way to determine which specific organization is entitled to make the appointment.

ANALYSIS:

715:1-1-19 is being added to provide a method to determine which statewide organization representing retired educators may make the one (1) non-voting Trustee appointment to the Board. This non-voting Trustee appointed by a statewide organization representing retired educators is a new addition to the Board by virtue of HB2740 which was signed into law on April 8, 2014 with an effective date of July 1, 2014. As there is the possibility that more than one statewide organization representing retired educators exists,

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without the adopting of this rule, there is no way to determine which specific organization is entitled to make the nomination.

CONTACT PERSON:

Julie Ezell, General Counsel and Rules Liaison, Teachers' Retirement System of Oklahoma, 2500 N. Lincoln Blvd., Oklahoma City, OK 73105, 405-521-4746.

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

715:1-1-19. Appointment of Non-voting trustee

(a) The Board of Trustees is composed of thirteen (13) voting members and one (1) nonvoting member who is to be selected by a statewide organization representing retired educators under Section 17-106(m) of title 70 of the Oklahoma Statutes. As there is the possibility that more than one statewide organization representing retired educators exists, OTRS shall employ an annual process to determine which such organization has the ability to make the non-voting trustee appointment.

(b) The term "statewide organization representing retired educators" shall mean an entity primarily organized for the purpose of representing the interests of retired educators in this state and providing member benefits, as is defined in Section 17-122.1 of title 70 of the Oklahoma Statutes. Furthermore, the entity must have at least two hundred (200) retired educators in its membership who are also members of OTRS.

(c) On September 15, 2014, any organization that asserts that it meets the definition of a statewide organization representing retired educators shall make application on a form supplied by OTRS, to be recognized as the organization to make this selection. The form shall be submitted with documentation that shows the legal status of the organization (corporation, association, other). The material submitted shall also provide documentation formally adopted by the organization demonstrating the organization meets the definition of a statewide organization representing retired educators and documentation formally adopted by the organization detailing the internal procedure by which the organization will select the candidate to be appointed to the Board of Trustees.

(d) The Board of Trustees shall decide which organization(s) meet the definition of an eligible organization by November 1, 2014. If only one organization meets the definition of eligible organization, that organization shall follow its own governing documents to make the selection of the non-voting trustee, and

provide notification of the appointment to OTRS in writing by December 10, 2014.

(e) Should more than one organization meet the definition of an eligible organization, the Board shall maintain a register of eligible organizations and shall place the organizations meeting the definition on the initial register according to the membership number of the organizations, with the organization with the most members being listed first on the register, and the organization with the lowest number of members being listed last. The organization listed first on the register shall follow its own governing documents to make the selection of the non-voting trustee, and provide notification of the appointment to the OTRS in writing by December 10, 2014. By September 30 of every year thereafter every organization on the register must re-certify to the Board of Trustees that it continues to meet the definition of statewide organization representing retired educators, and that it has at least two hundred (200) members who are retired educators. Any organization that fails to re-certify its eligibility or fails to meet the eligibility shall be stricken from the register by the Board at the next scheduled board meeting. By November 1 of every year the Board shall notify the next organization listed on the register of its entitlement to make the non-voting member appointment for the next calendar year, with notification to the OTRS of the name of the appointed non-voting member in writing by December 10 of that year. This yearly procedure shall continue through the register sequentially until all organizations on the register have made an appointment to the Board of Trustees. Entitlement to make the appointment shall then return to the first organization listed on the register, and the procedure shall continue yearly in the same manner sequentially through the register.

(f) Any organization making application for eligibility and addition to the register after September 15, 2014 shall make application in the same manner described above. The Board shall decide by November 1 of the year in which the application is made if the organization meets the definition of an eligible organization. The organization shall then be added to the end of the register. In any year in which more than one organization is added to the register, they shall be added according to the membership number of the organizations, with the organization with the most members being listed first on the register, and the organization with the lowest number of members being listed last.

(g) The term of the non-voting Trustee appointment made hereunder shall be one (1) calendar year, from January 1 to December 31.

[OAR Docket #14-843; filed 8-15-14]