

Volume 34
Number 11
February 15, 2017
Pages 381 - 416

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules



Mary Fallin, Governor
Mike Hunter,
Secretary of State
Peggy Coe, Editor-in-Chief

THE OKLAHOMA REGISTER is an official publication of the State of Oklahoma. It is published semi-monthly on the first working day of the month and on the first working day following the 14th day of the month under the authority of 75 O.S., Sections 250 et seq. and OAC 655:10-15-1. The rules of the State of Oklahoma are codified and published in the *Oklahoma Administrative Code*.

The Oklahoma Register and the documents accepted for publication are **AVAILABLE FOR PUBLIC INSPECTION** at the Office of Administrative Rules pursuant to the Oklahoma Open Records Act. Copies of the *Register* are also available for public inspection at many County Clerks' offices in Oklahoma, the Jan Eric Cartwright Memorial Law Library in the State Capitol, and the following depository libraries:

Ada - East Central University, Linscheid Library
J.W. Martin Library

Bartlesville - Bartlesville Public Library

Claremore - Rogers State University, Stratton Taylor Library

Clinton - Clinton Public Library

Durant - Southeastern Oklahoma State University, H.G.
Bennett Memorial Library

Edmond - University of Central Oklahoma, Chambers Library

Enid - Enid Public Library

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

Lawton - Lawton Public Library

McAlester - McAlester Public Library

Norman - University of Oklahoma, Bizzell Memorial
Library

Oklahoma City - Metropolitan Library System

Oklahoma City - Publications Clearinghouse,
Oklahoma Department of Libraries

Stillwater - Oklahoma State University, Edmon Low
Library

Tahlequah - Northeastern State University, John
Vaughan Library

Tulsa - Tulsa City-County Library

Weatherford - Southwestern Oklahoma State
University, Al Harris Library

CITE MATERIAL PUBLISHED IN THE OKLAHOMA REGISTER by the volume and the beginning page number of the document in the *Register*. For example: 34 Ok Reg 256.

SUBSCRIPTION RATES for the *Register* are \$500.00 per year for the printed issues and \$300.00 per year for the CD-ROM issues, payable in advance. When available, individual printed issues may be purchased for \$20.00 plus the cost of postage, payable in advance. Make checks payable to "Secretary of State." Send subscription requests, change of address notices, and undelivered copies to: Secretary of State, Office of Administrative Rules, 421 NW 13th Street, Suite 220, Oklahoma City, OK 73103.

INFORMATION ABOUT THIS PUBLICATION may be obtained by contacting the OAR by mail at Oklahoma Secretary of State, Office of Administrative Rules, 421 NW 13th Street, Suite 220, Oklahoma City, OK 73103, by phone at (405) 521-4911, or by fax at (405) 522-3555. Information may also be obtained by visiting the OAR's office, located in Suite 220, Colcord Center, 421 NW 13th Street, Oklahoma City, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 43 copies have been prepared and distributed at a cost of \$135.82. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	iv
Agency Index (Title numbers assigned)	vi
Notices of Rulemaking Intent	
Accrediting Agency, State (Title 15)	381
Athletic Commission, Oklahoma State (Title 92)	381
Education, State Department of (Title 210)	382, 383, 384
Election Board, State (Title 230)	385, 386, 387
Insurance Department (Title 365)	388, 389, 391
Labor, Department of (Title 380)	391, 392, 393, 394
Liquefied Petroleum Gas Board, Oklahoma (Title 420)	395
Pharmacy, Oklahoma State Board of (Title 535)	397, 398, 399
Psychologists, State Board of Examiners of (Title 575)	399, 400
Public Safety, Department of (Title 595)	400, 401, 402, 404, 405, 406
Secretary of State (Title 655)	407
Speech-Language Pathology and Audiology, Board of Examiners for (Title 690)	408
Veterans Affairs, Oklahoma Department of (Title 770)	409
Career and Technology Education, Oklahoma Department of (Title 780)	409, 410, 411
Submissions to Governor and Legislature	
Children and Youth, Commission on (Title 135)	413
Educational Quality and Accountability, Office of (Title 218)	413
Employment Security Commission, Oklahoma (Title 240)	413, 414
Horse Racing Commission, Oklahoma (Title 325)	415

Agency/Action/Subject Index

<p>ACCREDITING Agency, State (Title 15) <i>Notices of Rulemaking Intent</i> Administrative Operations (Chapter 1) 381</p> <p>ATHLETIC Commission, Oklahoma State (Title 92) <i>Notices of Rulemaking Intent</i> Rules for Boxing and Other Activities (Chapter 10) 381</p> <p>CHILDREN and Youth, Commission on (Title 135) <i>Submissions to Governor and Legislature</i> Programs, Boards, and Councils: Operation and Administration (Chapter 10) 413</p> <p>EDUCATION, State Department of (Title 210) <i>Notices of Rulemaking Intent</i> School Administration and Instructional Services (Chapter 10) 382 Staff (Chapter 20) 383 Grants and Programs-In-Aid (Chapter 40) 384</p> <p>EDUCATIONAL Quality and Accountability, Office of (Title 218) <i>Submissions to Governor and Legislature</i> Educational Quality (Chapter 10) 413</p> <p>ELECTION Board, State (Title 230) <i>Notices of Rulemaking Intent</i> The County Election Board (Chapter 10) 385 Voter Registration (Chapter 15) 386 Ballot Printing (Chapter 25) 387 Absentee Voting (Chapter 30) 387</p> <p>EMPLOYMENT Security Commission, Oklahoma (Title 240) <i>Submissions to Governor and Legislature</i> General Provisions (Chapter 1) 413 Unemployment Insurance Program (Chapter 10) 413 Board of Review Procedures (Chapter 15) 414 Workforce Investment Act (Chapter 21) 414</p> <p>HORSE Racing Commission, Oklahoma (Title 325) <i>Submissions to Governor and Legislature</i> Commission Powers and Jurisdiction (Chapter 1) 415 Medication and Equine Testing Procedures (Chapter 45) 415 Human Substance Abuse Testing (Chapter 50) 415 Oklahoma-Bred Program (Chapter 75) 415</p> <p>INSURANCE Department (Title 365) <i>Notices of Rulemaking Intent</i> Administrative Operations (Chapter 1) 388 Life, Accident and Health (Chapter 10) 389 Other Licensees (Chapter 25) 389 Health Maintenance Organizations (HMO) (Chapter 40) 391</p> <p>LABOR, Department of (Title 380) <i>Notices of Rulemaking Intent</i> Boiler and Pressure Vessel Rules (Chapter 25) 391 Oklahoma Occupational Health and Safety Standards Act Rules (Chapter 40) 392</p>	<p>LABOR, Department of – continued <i>Notices of Rulemaking Intent – continued</i> Abatement of Friable Asbestos Materials Rules (Chapter 50) 393 Amusement Ride Safety Rules (Chapter 55) 394 Elevator Safety Act (Chapter 70) 394</p> <p>LIQUEFIED Petroleum Gas Board, Oklahoma (Title 420) <i>Notices of Rulemaking Intent</i> Liquefied Petroleum Gas Administration (Chapter 10) ... 395</p> <p>PHARMACY, Oklahoma State Board of (Title 535) <i>Notices of Rulemaking Intent</i> Administrative Operations (Chapter 1) 397 Pharmacies (Chapter 15) 397 Manufacturers, Repackagers, Outsourcing Facilities, Wholesalers, Third-Party Logistics Providers, and Medical Gas Suppliers and Distributors (Chapter 20) 398 Rules Affecting Various Registrants (Chapter 25) 399</p> <p>PSYCHOLOGISTS, State Board of Examiners of (Title 575) <i>Notices of Rulemaking Intent</i> Organization of Board and Procedures for Handling Complaints (Chapter 1) 399 Licensure of Psychologists (Chapter 10) 400</p> <p>PUBLIC Safety, Department of (Title 595) <i>Notices of Rulemaking Intent</i> General Rules of the Department of Public Safety (Chapter 1) 400 Class D Driver Licenses and Identification Cards and Motor License Agent Procedures (Chapter 10) 401 Commercial Driver Licenses (Chapter 11) 402 Wreckers and Towing Services (Chapter 25) 404 Size and Weights Permits (Chapter 30) 404 Enforcement of Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act (Chapter 35) 405 Driver Training and Improvement (Chapter 40) 406</p> <p>SECRETARY of State (Title 655) <i>Notices of Rulemaking Intent</i> Administrative Rules on Rulemaking (Chapter 10) 407</p> <p>SPEECH-LANGUAGE Pathology and Audiology, Board of Examiners for (Title 690) <i>Notices of Rulemaking Intent</i> Licensure and Fees (Chapter 10) 408</p> <p>VETERANS Affairs, Oklahoma Department of (Title 770) <i>Notices of Rulemaking Intent</i> Claims and Benefits Division Program (Chapter 15) 409</p> <p>CAREER and Technology Education, Oklahoma Department of (Title 780) <i>Notices of Rulemaking Intent</i> Administration and Supervision (Chapter 10) 409 Programs and Services (Chapter 20) 410 <u>Lifelong Learning Adult Basic Education</u> (Chapter 35) ... 411</p>
---	--

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
40:1-1-1.	[AMENDED] (E) 95	165:59-9-25.	[AMENDED] (E) 28
40:20-1-3.	[AMENDED] (E) 96	165:59-9-27.	[AMENDED] (E) 29
40:25-1-2.	[AMENDED] (E) 98	165:59-9-29.	[AMENDED] (E) 29
40:25-1-3.	[AMENDED] (E) 99	317:2-1-2.	[AMENDED] (E) 339
40:25-1-4.	[REVOKED] (E) 99	317:2-1-16.	[NEW] (E) 340
165:5-21-3.1.	[NEW] (E) 53	317:30-3-19.2.	[NEW] (E) 187
165:25-1-11.	[AMENDED] (E) 121	317:30-3-27.	[AMENDED] (E) 342
165:25-3-6.28.	[AMENDED] (E) 123	317:30-5-2.	[AMENDED] (E) 188
165:59-1-1.	[AMENDED] (E) 5	317:30-5-22.	[AMENDED] (E) 193
165:59-1-2.	[AMENDED] (E) 6	317:30-5-42.17.	[AMENDED] (E) 57
165:59-1-3.	[AMENDED] (E) 6	317:30-5-72.1.	[AMENDED] (E) 347
165:59-1-4.	[AMENDED] (E) 6	317:30-5-78.	[AMENDED] (E) 348
165:59-1-7.	[AMENDED] (E) 8	317:30-5-87.	[AMENDED] (E) 349
165:59-3-1.	[REVOKED] (E) 8	317:30-5-136.	[NEW] (E) 343
165:59-3-11.	[AMENDED] (E) 8	317:30-5-226.	[AMENDED] (E) 194
165:59-3-13.	[AMENDED] (E) 8	317:30-5-229.	[AMENDED] (E) 194
165:59-3-14.	[AMENDED] (E) 8	317:30-5-241.1.	[AMENDED] (E) 54
165:59-3-15.	[REVOKED] (E) 9	317:30-5-356.	[AMENDED] (E) 195
165:59-3-16.	[AMENDED] (E) 9	317:30-5-432.1.	[AMENDED] (E) 57
165:59-3-30.	[AMENDED] (E) 10	317:30-5-664.8.	[AMENDED] (E) 195
165:59-3-32.	[AMENDED] (E) 10	317:30-5-1090.	[AMENDED] (E) 350
165:59-3-34.	[AMENDED] (E) 10	317:30-5-1098.	[AMENDED] (E) 350
165:59-3-36.	[AMENDED] (E) 11	317:35-5-2.	[AMENDED] (E) 196
165:59-3-38.	[AMENDED] (E) 11	317:35-22-2.	[AMENDED] (E) 197
165:59-3-40.	[AMENDED] (E) 11	340:40-1-2.	[AMENDED] (E) 58
165:59-3-42.	[AMENDED] (E) 11	340:40-3-1.	[AMENDED] (E) 58
165:59-3-44.	[AMENDED] (E) 11	340:40-7-3.	[AMENDED] (E) 60
165:59-3-46.	[AMENDED] (E) 12	340:40-7-5.	[AMENDED] (E) 60
165:59-3-60.	[AMENDED] (E) 12	340:40-7-6.	[AMENDED] (E) 61
165:59-3-61.	[AMENDED] (E) 12	340:40-7-7.	[AMENDED] (E) 62
165:59-3-62.	[REVOKED] (E) 12	340:40-7-8.	[AMENDED] (E) 63
165:59-3-65.	[RESERVED] (E) 14	340:40-7-9.	[AMENDED] (E) 68
165:59-3-66.	[NEW] (E) 14	340:40-7-11.	[AMENDED] (E) 70
165:59-3-67.	[RESERVED] (E) 15	340:40-7-12.	[AMENDED] (E) 73
165:59-3-68.	[NEW] (E) 15	340:40-9-1.	[AMENDED] (E) 75
165:59-3-69.	[RESERVED] (E) 16	340:40-9-2.	[AMENDED] (E) 76
165:59-3-70.	[NEW] (E) 16	340:40-13-3.	[AMENDED] (E) 77
165:59-3-71.	[RESERVED] (E) 17	340:65-3-8.	[AMENDED] (E) 78
165:59-3-72.	[NEW] (E) 17	340:110-1-17.	[AMENDED] (E) 198
165:59-7-1.	[AMENDED] (E) 18	340:110-3-85.	[AMENDED] (E) 201
165:59-7-5.	[REVOKED] (E) 21	340:110-3-86.	[AMENDED] (E) 204
165:59-7-6.	[AMENDED] (E) 21	340:110-3-86.1.	[NEW] (E) 206
165:59-7-7.	[REVOKED] (E) 22	340:110-3-88.	[AMENDED] (E) 207
165:59-7-8.	[AMENDED] (E) 23	340:110-3-89.1.	[AMENDED] (E) 208
165:59-7-9.	[REVOKED] (E) 23	340:110-3-91.1.	[AMENDED] (E) 209
165:59-7-10.	[AMENDED] (E) 24	340:110-3-93.	[AMENDED] (E) 209
165:59-7-13.	[AMENDED] (E) 24	340:110-3-97.1.	[AMENDED] (E) 210
165:59-7-15.	[AMENDED] (E) 24	340:110-3-278.	[AMENDED] (E) 211
165:59-7-17.	[AMENDED] (E) 24	340:110-3-279.	[AMENDED] (E) 212
165:59-7-18.	[RESERVED] (E) 24	340:110-3-280.	[AMENDED] (E) 214
165:59-7-19.	[NEW] (E) 24	340:110-3-281.1.	[AMENDED] (E) 215
165:59-9-1.	[AMENDED] (E) 25	340:110-3-281.2.	[AMENDED] (E) 216
165:59-9-3.	[AMENDED] (E) 25	340:110-3-284.	[AMENDED] (E) 218
165:59-9-5.	[AMENDED] (E) 26	340:110-3-284.1.	[AMENDED] (E) 220
165:59-9-6.	[AMENDED] (E) 26	340:110-3-284.2.	[AMENDED] (E) 220
165:59-9-11.	[AMENDED] (E) 26	340:110-3-289.	[AMENDED] (E) 222
165:59-9-13.	[AMENDED] (E) 27	340:110-3-296.	[AMENDED] (E) 223
165:59-9-15.	[AMENDED] (E) 27	340:110-3-301.	[AMENDED] (E) 224
165:59-9-17.	[AMENDED] (E) 27	340:110, App. EE.	[REVOKED] (E) 227
165:59-9-21.	[AMENDED] (E) 27	340:110, App. EE.	[NEW] (E) 227
165:59-9-23.	[AMENDED] (E) 27	365:25-7-60.	[AMENDED] (E) 351

365:25-7-63. [AMENDED] (E)	352	595:11-11-16. [NEW] (E)	300
365:25-7-65. [AMENDED] (E)	352	595:11-11-17. [NEW] (E)	300
365:25-7-66. [AMENDED] (E)	356	595:11-11-18. [NEW] (E)	300
365:25-7-67. [AMENDED] (E)	356	595:11-11-19. [NEW] (E)	301
365:25-7-68. [AMENDED] (E)	356	595:11-11-20. [NEW] (E)	301
365:25-7-70. [AMENDED] (E)	360	595:11-11-21. [NEW] (E)	301
365:25-7-72. [AMENDED] (E)	360	595:11-11-22. [NEW] (E)	302
365:25-7-73. [NEW] (E)	361	595:11-11-23. [NEW] (E)	302
365:25, App. CC. [NEW] (E)	366	595:11-11-24. [NEW] (E)	302
365:25, App. DD. [NEW] (E)	368	595:11-11-25. [NEW] (E)	302
365:25, App. EE. [NEW] (E)	370	595:11-11-26. [NEW] (E)	302
365:25, App. FF. [NEW] (E)	375	595:11-11-27. [NEW] (E)	303
485:10-5-3.2. [AMENDED] (E)	172	595:40-1-9. [AMENDED] (E)	303
485:10-5-5.2. [AMENDED] (E)	172	710:45-9-81. [AMENDED] (E)	80
485:10-6-2. [AMENDED] (E)	173	710:45-9-82. [AMENDED] (E)	80
595:11-11-1. [NEW] (E)	293	710:45-9-83. [AMENDED] (E)	80
595:11-11-2. [NEW] (E)	293	710:45-9-84. [AMENDED] (E)	80
595:11-11-3. [NEW] (E)	294	710:50-3-35. [AMENDED] (E)	81
595:11-11-4. [NEW] (E)	294	710:50-9-3. [AMENDED] (E)	81
595:11-11-5. [NEW] (E)	295	710:50-15-50. [AMENDED] (E)	82
595:11-11-6. [NEW] (E)	296	710:50-15-74. [AMENDED] (E)	82
595:11-11-7. [NEW] (E)	297	710:50-15-76. [AMENDED] (E)	84
595:11-11-8. [NEW] (E)	297	710:50-15-90. [AMENDED] (E)	85
595:11-11-9. [NEW] (E)	297	710:50-15-103. [AMENDED] (E)	85
595:11-11-10. [NEW] (E)	297	710:50-15-104. [AMENDED] (E)	86
595:11-11-11. [NEW] (E)	297	800:25-37-12. [AMENDED] (E)	123
595:11-11-12. [NEW] (E)	298	800:25-37-13. [AMENDED] (E)	124
595:11-11-13. [NEW] (E)	298	800:25-37-14. [AMENDED] (E)	124
595:11-11-14. [NEW] (E)	299	800:25-37-16. [NEW] (E)	125
595:11-11-15. [NEW] (E)	299		

Agency/Title Index

[Assigned as of 02-15-17]

Agency	Title	Agency	Title
Oklahoma ABSTRACTORS Board	5	Office of DISABILITY Concerns (<i>Formerly:</i> Office of HANDICAPPED Concerns) - <i>See</i> Title 305	
Oklahoma ACCOUNTANCY Board	10	Board of Regents of EASTERN Oklahoma State College (<i>exempted</i> 11-1-98)	205
State ACCREDITING Agency	15	EDGE Fund Policy Board	208
AD Valorem Task Force (<i>abolished</i> 7-1-93)	20	State Department of EDUCATION	210
Oklahoma AERONAUTICS Commission	25	EDUCATION Oversight Board (<i>merged under</i> Office of Educational Quality and Accountability 7-1-14 - <i>See</i> Title 218)	215
Board of Regents for the Oklahoma AGRICULTURAL and Mechanical Colleges (<i>exempted</i> 11-1-98)	30	Office of EDUCATIONAL Quality and Accountability	218
Oklahoma Department of AGRICULTURE , Food, and Forestry	35	Oklahoma EDUCATIONAL Television Authority	220
Oklahoma Board of Licensed ALCOHOL and Drug Counselors	38	[RESERVED]	225
Board of Tests for ALCOHOL and Drug Influence	40	State ELECTION Board	230
ALCOHOLIC Beverage Laws Enforcement Commission	45	Oklahoma FUNERAL Board (<i>Formerly:</i> Oklahoma State Board of EMBALMERS and Funeral Directors)	235
ANATOMICAL Board of the State of Oklahoma	50	Oklahoma Department of EMERGENCY Management (<i>Formerly:</i> Department of CIVIL Emergency Management) - <i>See</i> Title 145	
Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Registered Interior Designers of Oklahoma (<i>Formerly:</i> Board of Governors of the Licensed ARCHITECTS and Landscape Architects of Oklahoma; and Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Interior Designers of Oklahoma)	55	Oklahoma EMPLOYMENT Security Commission	240
ARCHIVES and Records Commission	60	Oklahoma ENERGY Resources Board	243
Board of Trustees for the ARDMORE Higher Education Program (<i>exempted</i> 11-1-98)	65	State Board of Licensure for Professional ENGINEERS and Land Surveyors (<i>Formerly:</i> State Board of Registration for Professional ENGINEERS and Land Surveyors)	245
Oklahoma ARTS Council	70	Board of Trustees for the ENID Higher Education Program (<i>exempted</i> 11-1-98)	250
Oklahoma State ATHLETIC Commission (<i>Formerly:</i> Oklahoma Professional BOXING Commission) - <i>See</i> Title 92		Department of ENVIRONMENTAL Quality	252
ATTORNEY General	75	State Board of EQUALIZATION	255
State AUDITOR and Inspector	80	ETHICS Commission (<i>Title revoked</i>)	257
State BANKING Department	85	ETHICS Commission	258
Oklahoma State Employees BENEFITS Council (<i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - <i>See</i> Title 260)	86	Office of MANAGEMENT and Enterprise Services (<i>Formerly:</i> Office of State FINANCE)	260
Oklahoma State Employees BENEFITS Council	87	State FIRE Marshal Commission	265
Council of BOND Oversight	90	Oklahoma Council on FIREFIGHTER Training	268
Oklahoma State ATHLETIC Commission (<i>Formerly:</i> Oklahoma Professional BOXING Commission)	92	Oklahoma FIREFIGHTERS Pension and Retirement System	270
State BURIAL Board (<i>abolished</i> 7-1-92)	95	[RESERVED]	275
[RESERVED]	100	FORENSIC Review Board	277
Oklahoma CAPITAL Investment Board	105	State Board of Registration for FORESTERS	280
Oklahoma CAPITOL Improvement Authority	110	FOSTER Care Review Advisory Board	285
State CAPITOL Preservation Commission	115	Oklahoma FUNERAL Board (<i>Formerly:</i> Oklahoma State Board of Embalmers and Funeral Directors) - <i>See</i> Title 235	
CAPITOL-MEDICAL Center Improvement and Zoning Commission	120	Oklahoma FUTURES	290
Oklahoma Department of CAREER and Technology Education (<i>Formerly:</i> Oklahoma Department of VOCATIONAL and Technical Education) - <i>See</i> Title 780		GOVERNOR (<i>See also</i> Title 1, Executive Orders)	295
Board of Regents of CARL Albert State College (<i>exempted</i> 11-1-98)	125	GRAND River Dam Authority	300
Department of CENTRAL Services (<i>Formerly:</i> Office of PUBLIC Affairs) - <i>See</i> Title 580		Group Self-Insurance Association GUARANTY Fund Board	302
CEREBRAL Palsy Commission	130	Individual Self-Insured GUARANTY Fund Board	303
Commission on CHILDREN and Youth	135	STATE Use Committee (<i>Formerly:</i> Committee on Purchases of Products and Services of the Severely HANDICAPPED ; <i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - <i>See</i> Title 260)	304
Board of CHIROPRACTIC Examiners	140	Office of DISABILITY Concerns (<i>Formerly:</i> Office of HANDICAPPED Concerns)	305
Oklahoma Department of EMERGENCY Management (<i>Formerly:</i> Department of CIVIL Emergency Management)	145	Oklahoma State Department of HEALTH	310
Oklahoma Department of COMMERCE	150	Oklahoma Basic HEALTH Benefits Board (<i>abolished</i> 11-1-97)	315
COMMUNITY Hospitals Authority	152	Oklahoma HEALTH Care Authority	317
COMPSOURCE Oklahoma (<i>Formerly:</i> State INSURANCE Fund) - <i>See</i> Title 370		HIGHWAY Construction Materials Technician Certification Board	318
Oklahoma CONSERVATION Commission	155	Oklahoma HISTORICAL Society	320
CONSTRUCTION Industries Board	158	Oklahoma HORSE Racing Commission	325
Department of CONSUMER Credit	160	Oklahoma HOUSING Finance Agency	330
CORPORATION Commission	165	Oklahoma HUMAN Rights Commission	335
Department of CORRECTIONS	170	Department of HUMAN Services	340
State Board of COSMETOLOGY and Barbering	175	Committee for INCENTIVE Awards for State Employees	345
Oklahoma State CREDIT Union Board	180	Oklahoma INDIAN Affairs Commission	350
CRIME Victims Compensation Board	185	Oklahoma INDIGENT Defense System	352
Joint CRIMINAL Justice System Task Force Committee	190	Oklahoma INDUSTRIAL Finance Authority	355
Board of DENTISTRY	195	INJURY Review Board	357
Oklahoma DEVELOPMENT Finance Authority	200	Oklahoma State and Education Employees Group INSURANCE Board (<i>consolidated under</i> Office of Management and Enterprise Services 8-26-11 - <i>See</i> Title 260)	360
		INSURANCE Department	365

Agency	Title	Agency	Title
COMPSOURCE Oklahoma (Formerly: State INSURANCE Fund)	370	PUBLIC Employees Relations Board	585
Oklahoma State Bureau of INVESTIGATION	375	Oklahoma PUBLIC Employees Retirement System	590
Council on JUDICIAL Complaints	376	Department of PUBLIC Safety	595
Office of JUVENILE Affairs	377	REAL Estate Appraiser Board	600
Department of LABOR	380	Oklahoma REAL Estate Commission	605
Department of the Commissioners of the LAND Office	385	Board of Regents of REDLANDS Community College (<i>exempted</i>	
Council on LAW Enforcement Education and Training	390	11-1-98)	607
Oklahoma LAW Enforcement Retirement System	395	State REGENTS for Higher Education	610
Board on LEGISLATIVE Compensation	400	State Department of REHABILITATION Services	612
Oklahoma Department of LIBRARIES	405	Board of Regents of ROGERS State College (<i>exempted 11-1-98</i>)	615
LIEUTENANT Governor	410	Board of Regents of ROSE State College (<i>exempted 11-1-98</i>)	620
Oklahoma LINKED Deposit Review Board	415	Oklahoma SAVINGS and Loan Board (<i>abolished 7-1-93</i>)	625
Oklahoma LIQUEFIED Petroleum Gas Board	420	SCENIC Rivers Commission	630
Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety		Oklahoma Commission on SCHOOL and County Funds	
Commission	422	Management	635
LITERACY Initiatives Commission	425	Advisory Task Force on the Sale of SCHOOL Lands (<i>functions</i>	
LONG-RANGE Capital Planning Commission	428	<i>concluded 2-92</i>)	640
Oklahoma State Board of Examiners for LONG-TERM Care		The Oklahoma School of SCIENCE and Mathematics	645
Administrators (Formerly: Oklahoma State Board of Examiners		Oklahoma Center for the Advancement of SCIENCE and	
for NURSING Home Administrators) - See Title 490		Technology	650
LOTTERY Commission, Oklahoma	429	SECRETARY of State	655
Board of Trustees for the MCCURTAIN County Higher Education		Department of SECURITIES	660
Program (<i>exempted 11-1-98</i>)	430	Board of Regents of SEMINOLE State College (<i>exempted</i>	
Office of MANAGEMENT and Enterprise Services (Formerly: Office		11-1-98)	665
of State FINANCE) - See Title 260		SHEEP and Wool Commission	670
Commission on MARGINALLY Producing Oil and Gas Wells	432	State Board of Licensed SOCIAL Workers	675
State Board of MEDICAL Licensure and Supervision	435	SOUTHERN Growth Policies Board	680
MEDICAL Technology and Research Authority of Oklahoma	440	Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
Board of MEDICOLEGAL Investigations	445	Board of Examiners for SPEECH-LANGUAGE Pathology and	
Department of MENTAL Health and Substance Abuse Services	450	Audiology (Formerly: Board of Examiners for SPEECH	
MERIT Protection Commission	455	Pathology and Audiology)	690
MILITARY Planning Commission, Oklahoma Strategic	457	STATE Employee Charitable Contributions, Oversight	
Department of MINES	460	Committee for (Formerly: STATE Agency	
Oklahoma MOTOR Vehicle Commission	465	Review Committee)	695
Board of Regents of MURRAY State College (<i>exempted 11-1-98</i>)	470	STATE Use Committee (Formerly: Committee on Purchases of Products	
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs		and Services of the Severely HANDICAPPED) - See Title 304	
Control	475	Oklahoma STUDENT Loan Authority	700
Board of Regents of NORTHERN Oklahoma College (<i>exempted</i>		TASK Force 2000	705
11-1-98)	480	Oklahoma TAX Commission	710
Oklahoma Board of NURSING	485	Oklahoma Commission for TEACHER Preparation (<i>merged under</i>	
Oklahoma State Board of Examiners for LONG-TERM Care		<i>Office of Educational Quality and Accountability 7-1-14 - See Title</i>	
Administrators (Formerly: Oklahoma State Board of Examiners		218)	712
for NURSING Home Administrators)	490	TEACHERS' Retirement System	715
Board of Regents of OKLAHOMA City Community College (<i>exempted</i>		State TEXTBOOK Committee	720
11-1-98)	495	TOBACCO Settlement Endowment Trust Fund	723
Board of Regents of OKLAHOMA Colleges (<i>exempted 11-1-98</i>)	500	Oklahoma TOURISM and Recreation Department	725
Board of Examiners in OPTOMETRY	505	Department of TRANSPORTATION	730
State Board of OSTEOPATHIC Examiners	510	Oklahoma TRANSPORTATION Authority (<i>Name changed to</i>	
PARDON and Parole Board	515	Oklahoma TURNPIKE Authority 11-1-05) - See Title 731	
Oklahoma PEANUT Commission	520	Oklahoma TURNPIKE Authority (Formerly: Oklahoma	
Oklahoma State PENSION Commission	525	TRANSPORTATION Authority AND Oklahoma TURNPIKE	
State Board of Examiners of PERFUSIONISTS	527	Authority) - See also Title 745	731
Office of PERSONNEL Management (<i>consolidated under Office</i>		State TREASURER	735
of Management and Enterprise Services 8-26-11 - See Title		Board of Regents of TULSA Community College (<i>exempted</i>	
260)	530	11-1-98)	740
Board of Commercial PET Breeders (<i>abolished 7-1-12 - See Title</i>		Oklahoma TURNPIKE Authority (<i>Name changed to Oklahoma</i>	
35)	532	TRANSPORATION Authority 11-1-99 - no rules enacted in this	
Oklahoma State Board of PHARMACY	535	<i>Title - See Title 731</i>)	745
PHYSICIAN Manpower Training Commission	540	Oklahoma UNIFORM Building Code Commission	748
Board of PODIATRIC Medical Examiners	545	Board of Trustees for the UNIVERSITY Center at Tulsa (<i>exempted</i>	
Oklahoma POLICE Pension and Retirement System	550	11-1-98)	750
State Department of POLLUTION Control (<i>abolished 1-1-93</i>)	555	UNIVERSITY Hospitals Authority	752
POLYGRAPH Examiners Board	560	UNIVERSITY Hospitals Trust	753
Oklahoma Board of PRIVATE Vocational Schools	565	Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted</i>	
State Board for PROPERTY and Casualty Rates		11-1-98)	755
(<i>abolished 7-1-06; see also Title 365</i>)	570	Board of Regents of the UNIVERSITY of Science and Arts	
State Board of Examiners of PSYCHOLOGISTS	575	of Oklahoma (<i>exempted 11-1-98</i>)	760
Department of CENTRAL Services (Formerly: Office of PUBLIC		Oklahoma USED Motor Vehicle and Parts Commission	765
Affairs; <i>consolidated under Office of Management and Enterprise</i>		Oklahoma Department of VETERANS Affairs	770
<i>Services 8-26-11 - See Title 260</i>)	580	Board of VETERINARY Medical Examiners	775
		Statewide VIRTUAL Charter School Board	777

Agency/Title Index – *continued*

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

Notices of Rulemaking Intent

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

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

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

TITLE 15. STATE ACCREDITING AGENCY CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #17-77]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Hearing Procedures

15:1-7-1 [AMENDED]

15:1-7-2 [NEW]

SUMMARY:

The proposed revisions to Subchapter 7 serve to clarify the purpose of administrative hearings provided for in O.A.C. 15:1-7-1. Additionally, the proposed revisions provide guidance to the agency and to approved institutions regarding the due process required for approved institutions with respect to suspension and withdrawal of approval permitted under 38 C.F.R. § 21.4259.

AUTHORITY:

State Accrediting Agency; 72 O.S., §§ 241-242.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on March 28, 2017 at the State Accrediting Agency office. Written comments may be mailed to the following address: State Accrediting Agency, 4045 N.W. 64th Street, Suite 205, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views and provide input on the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 1:30 p.m. on March 28, 2017 at 4045 N.W. 64th Street, Suite 340, Oklahoma City, OK 73116.

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 before the conclusion of the comment period and public hearing on March 28, 2017 at the State Accrediting Agency Office, located at 4045 N.W. 64th Street, Suite 205, Oklahoma City, OK 73116.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Accrediting Agency office located at 4045 N.W. 64th Street, Suite 205, Oklahoma City, OK 73116.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the State Accrediting Agency office at the above address beginning March 1, 2017.

CONTACT PERSON:

Gina Wekke, Executive Director, (405) 879-9743, gwekke@odva.state.ok.us; Jonathan Shirley, Assistant Attorney General, (405) 522-0113, jonathan.shirley@oag.ok.gov

[OAR Docket #17-77; filed 1-25-17]

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

[OAR Docket #17-71]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

92:10-1-4 [AMENDED]

SUMMARY:

The proposed rules require applicants who are age forty (40) or older to provide specific health information when applying to be licensed as a combative sports practitioner in boxing or Mixed Martial Arts. The rule provides a process by which licensure can be denied if it is determined that competing in a combative sports contest poses an undue risk to the applicant's health or safety. The rule also provides a process by which a denied applicant may request that the Commission review the denial.

AUTHORITY:

3A O.S.2011, § 603; Oklahoma State Athletic Commission

COMMENT PERIOD:

Written comments will be accepted through March 21, 2017, and may be submitted to Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

PUBLIC HEARING:

A public hearing has been scheduled for March 22, 2017, at the Oklahoma State Department of Health, 1000 NE

Notices of Rulemaking Intent

10th Street, Room 314, Oklahoma City, OK, at 2:00 p.m. Comments from members of the public will be accepted until the conclusion of the hearing.

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 Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Oklahoma State Athletic Commission. Copies may be obtained by written request mailed to the attention of Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 15, 2017. A copy of the rule impact statement may be obtained by written request mailed to the attention of Joe Miller, Oklahoma State Athletic Commission, 1000 NE 10th Street, Room 159, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

Joe Miller, Administrator, Oklahoma State Athletic Commission (405) 271-2694.

[OAR Docket #17-71; filed 1-25-17]

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

[OAR Docket #17-78]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Student Assessment
210:10-13-21. Academic Assessment Monitoring Program
(AAMP) [AMENDED]

SUMMARY:

The rule addressing the Academic Assessment Monitoring Program, established to evaluate schools' implementation of required academic assessments, must be updated to reflect changes to federal and state law. Legal citations to the *Elementary and Secondary Education Act* (ESEA) now refer to the section numbers as revised in the *Every Student Succeeds Act of 2015* (ESSA), and a reference to a discontinued federal administrative guide is corrected to the current version.

Provisions that address charter schools are also updated, because state law now provides for charter school sponsors other than school districts.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.505 et seq.; 70 O.S. § 3-130 et seq.; 20 U.S.C. § 7844

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 15, 2017 until 4:30 p.m., Friday, March 17, 2017.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, March 17, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard,

Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #17-78; filed 1-25-17]

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

[OAR Docket #17-79]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-91. Application for new certificates [AMENDED]

SUMMARY:

House Bill 2946 (2016) added provisions to the teacher certification statutes authorizing the State Board of Education to issue an Oklahoma teaching certificate to a teacher who holds a valid teaching certificate issued in another country, and meets all other requirements established by the Board. This amendment adds a new subsection to the rule that governs new teaching certificates, establishing the requirements an out-of-country applicant must meet to be eligible for consideration for an Oklahoma teaching certificate. Requirements include: verification of lawful presence in the United States, baccalaureate degree or equivalent, current valid out-of-country teaching certificate, verification of teaching experience, recommendation by a school administrator or education official, criminal history record check, and English proficiency. Applicants are responsible for obtaining any necessary translation and analysis of documents in a language other than English, and bear the costs of translation and/or analysis by a reputable educational credential evaluation service.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 6-190; 70 O.S. § 18-114.14

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 15, 2017 until 4:30 p.m., Friday, March 17, 2017.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, March 17, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #17-79; filed 1-25-17]

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

[OAR Docket #17-80]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 37. Adjunct Teachers

210:20-37-2. Adjunct teachers [AMENDED]

SUMMARY:

House Bill 3102 (2016) amended the statute governing alternative placement and adjunct teachers, expanding the number of clock hours that adjunct teachers are authorized to provide classroom instruction from ninety (90) hours per

Notices of Rulemaking Intent

semester to two hundred seventy (270) hours per semester. Each school district establishes its own requirements and salary for adjunct teachers, who must pass a background check, but under 70 O.S. § 6-122.3 are not required to hold a teaching certificate. The amendment to the adjunct teachers rule incorporates the expansion of authorized teaching hours for adjuncts, and also clarifies that if a district employs a certified teacher as an adjunct, the certified individual's salary shall be the amount they would be entitled to on the state minimum salary schedule, pro-rated to the number of hours taught.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 6-122.3

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 15, 2017 until 4:30 p.m., Friday, March 17, 2017.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, March 17, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #17-80; filed 1-25-17]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 40. GRANTS AND PROGRAMS-IN-AID

[OAR Docket #17-81]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 31. Public School Classroom Support Grants
[NEW]

210:40-31-1. Public School Classroom Support Grants
[NEW]

SUMMARY:

70 O.S. § 1-122 established a fund consisting of contributions designated on Oklahoma income tax and corporate tax forms, donated by taxpayers for the benefit of the Public School Classroom Support Revolving Fund. The fund is to be used for the purpose of "providing grants to public school classroom teachers... for supplies, materials, or equipment for the class or classes taught by the teacher" (70 O.S. § 1-123). The State Board of Education is authorized to establish rules for the implementation of grants to be issued from the Public School Classroom Support Revolving Fund, and the proposed rule lays out guidelines for the Public School Classroom Support Grants program. The rule includes eligibility requirements for grant applicants, such as defining who is included in the statutory term "classroom teacher" and outlining general criteria for selection. Minimum (\$1,000) and maximum (\$5,000) amounts for grant requests are established. To be eligible for consideration a classroom teacher's grant application must include an articulated purpose that aligns with the Oklahoma Academic Standards, or with the year's grant focus in the event the State Department of Education announces a particular focus for an upcoming grant year. The rule provides that the entire amount available in the grant fund will not be expended during any single year, since taxpayer contributions to the fund vary annually, and maintaining a fund balance will allow grants to be awarded every year although donations may vary.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1-123

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 15, 2017 until 4:30 p.m., Friday, March 17, 2017.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m. on Friday, March 17, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #17-81; filed 1-25-17]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 10. THE COUNTY ELECTION BOARD**

[OAR Docket #17-86]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Election Personnel [AMENDED]

Subchapter 7. General Administration of the County Election Board [AMENDED]

SUMMARY:

Several Sections in Subchapters 3 and 5 concerning compensation of County Election Board members are amended to reflect changes in the way the both the State Election Board and County Election Board process such compensation. During 2016, the State Election Board Secretary contracted with OMES for personnel, payroll, and purchasing services.

One result of this internal agency change is that the County Election Board Secretary now includes a charge for compensation and mileage reimbursement for each County Election Board member for every meeting held to conduct business related to a federal or state election in the Record of Expense submitted after the election. The State Election Board then includes payment for Board member compensation and mileage in the payment for the total on the Record of Expense. The County Election Board Secretary deposits the State Election Board payment in the County Election Board Special Depository Account and issues a voucher from said account to the county general fund. The County Clerk then remits payment to the individual County Election Board members for their meeting compensation after withholding FICA and any other applicable taxes. Mileage reimbursement is either paid by the County Clerk from an appropriate budget account or by the County Election Board Secretary from the Special Depository Account.

Sections in Subchapter 3 and 5 are amended to include this new process and to strike references to a separate County Board Member Claim form which was previously used to pay Board members.

In addition, at least one Section in Subchapter 7 is amended to include new information about the confidentiality of full or partial Social Security numbers and driver license numbers provided to the County Election Board on voter registration application forms. The amendments also require the County Election Board Secretary to ensure that such numbers are redacted on copies of original voter registration applications.

Another Section concerning retention of special County Election Board financial records is amended to delete references to obsolete records.

AUTHORITY:

Title 26 O.S., Section 2-107; Secretary of the State Election Board.

Notices of Rulemaking Intent

COMMENT PERIOD:

A comment period will be conducted beginning February 1, 2017, and continuing through the conclusion of the public hearing on March 17, 2017. Written comments may be submitted for consideration by mail, email, or by hand delivery.

Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

Physical Address: Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

Email Address: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

PUBLIC HEARING:

A public hearing will be conducted on Friday, March 17, 2017, at 10 a.m. in the office of the State Election Board, Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2017.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405) 521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

N/A

[OAR Docket #17-86; filed 1-25-17]

TITLE 230. STATE ELECTION BOARD CHAPTER 15. VOTER REGISTRATION

[OAR Docket #17-87]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Voter Outreach [AMENDED]

Subchapter 5. Application for Voter Registration [AMENDED]

Subchapter 11. Voter Registration List Maintenance [AMENDED]

SUMMARY:

Proposed amendments in Subchapter 3 reduce the number of printed Oklahoma Voter Registration Applications that may be provided to organizations, entities, or individuals for use in organized voter registration drives by County Election Boards and by the State Election Board. This reduction in the quantity of printed voter registration forms is intended as a cost-saving

measure for the agency. Organizations, entities, or individuals who use all the forms provided to them may make subsequent requests by stating, in writing, that all the previously provided forms have been distributed. Organizations, entities, or individuals that have a consistent need for more than 1,000 forms at a time may seek permission from the Secretary of the State Election Board to print the forms at their own expense. When the Secretary grants such permission, a printable PDF of the form shall be provided.

Proposed amendments in Subchapter 5 and 11 concern the voter registration address confirmation process mandated by both federal and state law. Several new criteria have been added by statute to the list of reasons voters may be selected to receive the address confirmation mailing and several Sections are amended accordingly. Several Sections are amended to consolidate and clarify instructions for processing address confirmation return cards that indicate the voter has changed name, address, or mailing address.

AUTHORITY:

Title 26 O.S. Supp. 2014, Section 2-107; Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will be conducted beginning February 1, 2017, and continuing through the conclusion of the public hearing on March 17, 2017. Written comments may be submitted for consideration by mail, email, or by hand delivery.

Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

Physical Address: Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City. Email Address: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

PUBLIC HEARING:

A public hearing will be conducted on Friday, March 17, 2017, at 10 a.m. in the office of the State Election Board, Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2017.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405) 521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

N/A

[OAR Docket #17-87; filed 1-25-17]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 25. BALLOT PRINTING**

[OAR Docket #17-88]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Responsibilities for Ballot Printing [AMENDED]

Subchapter 7. Competitive Bidding Process for Ballot Printing [AMENDED]

SUMMARY:

Proposed amendments in Subchapter 3 concern the responsibility for printing and pay for ballots for county offices and county questions on the dates of federal and state elections when no federal or state office or state question appears on the ballot in that county. Amendments also define the circumstances in which a county question may be included on the state ballot for Primary and Runoff Primary Elections and prohibit the inclusion of county questions on the state ballot for General Elections. In recent years, it has been a common occurrence that a county have a Runoff Primary Election for a county officer but to not be included in a Runoff Primary Election for a federal, state, district, or legislative office. For many years, as a courtesy, the State Election Board has created a "state" ballot for such county officer runoff primaries and paid the cost of the ballots. However, due to state budget cuts, the State Election Board will no longer pay for county officer ballots for primary or runoff primary elections unless a federal or state primary or runoff primary is also occurring in the county.

Proposed amendments in Subchapter 7 require the County Election Board Secretary to notify the State Election Board staff when a new ballot printing contract is awarded. This is necessary because the State Election Board staff prepares ballot print files and provides them to contract printers through an FTP. Other amendments require the County Election Board Secretary to conduct a form of testing referred to as "live ballot" testing as soon as possible after receiving the official election database from the State Election Board. The primary purpose of such testing is to ensure that the same version of the election database used to create the ballot print files was deployed to the County Election Board for programming the voting devices that will read and count the ballots.

AUTHORITY:

Title 26 O.S., Section 2-107; Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will be conducted beginning February 15, 2017, and continuing through the conclusion of the public hearing on March 17, 2017. Written comments may be submitted for consideration by mail, email, or by hand delivery.

Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

Physical Address: Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

Email Address: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

PUBLIC HEARING:

A public hearing will be conducted on Friday, March 17, 2017, at 10 a.m. in the office of the State Election Board, Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2017.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405) 521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

N/A

[OAR Docket #17-88; filed 1-25-17]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 30. ABSENTEE VOTING**

[OAR Docket #17-89]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Applications for Absentee Ballots [AMENDED]

Subchapter 7. Absentee Voting Boards [AMENDED]

Subchapter 9. Processing Applications [AMENDED]

Subchapter 11. Receiving and Processing Absentee Ballots [AMENDED]

SUMMARY:

Proposed amendments in Subchapter 5 concern proper handling of absentee ballots that are returned by the USPS marked "undeliverable as addressed." Unless the faulty mailing address is the result of County Election Board data entry error when entering the application for absentee ballots, such a return of undeliverable ballots serves to deactivate the absentee ballot application. Amendments clarify instructions for County Election Board personnel entering this information in MESA. Other amendments concern rejections of absentee ballot applications and provide exceptions to requirements that absentee applications are signed. Additional amendments concern the use of the online absentee ballot application tool.

Notices of Rulemaking Intent

Proposed amendments in Subchapter 7 concern new publications used to train Absentee Voting Board members and that are included in their supplies; designation of additional locations for in-person absentee voting (early voting) in counties with more than 100,000 registered voters; and revised and updated procedures for Absentee Voting Boards that serve nursing home voters and those that serve during early voting.

Proposed amendments in Subchapter 9 include revised and updated procedures for County Election Board personnel processing applications for absentee ballots and rejections of absentee ballot applications; new procedures for obtaining absentee ballot applications submitted online through the online absentee ballot application tool on the State Election Board website; and revised procedures for issuing absentee ballots.

Proposed new rules in Subchapter 11 concern implementation of new state law enacted in 2016 by House Bill 1302 concerning in-person delivery of voted absentee ballots by certain absentee voters.

AUTHORITY:

Title 26 O.S., Section 2-107; Secretary of the State Election Board.

COMMENT PERIOD:

A comment period will be conducted beginning February 15, 2017, and continuing through the conclusion of the public hearing on March 17, 2107. Written comments may be submitted for consideration by mail, email, or by hand delivery.

Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

Physical Address: Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

Email Address: suzanne.cox@elections.ok.gov or info@elections.ok.gov.

PUBLIC HEARING:

A public hearing will be conducted on Friday, March 17, 2017, at 10 a.m. in the office of the State Election Board, Room 6B, State Capitol Building, 2300 N. Lincoln Blvd., Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 2, 2017.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405) 521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

N/A

[OAR Docket #17-89; filed 1-25-17]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #17-58]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Description of Forms and Instructions
365:1-9-18. Bail bond forms [AMENDED]

SUMMARY:

365:1-9-18 is amended to reflect a statutory change made in HB2922 during the 2016 legislative session.

AUTHORITY:

Insurance Commissioner; 59 O.S. § 1302

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 20, 2017. Comments shall be directed to Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 23, 2017, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

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 rule. The comments shall be submitted to Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 20, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendment may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 16, 2017, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will also be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

Barron B. Brown, Assistant General Counsel, (405) 521-2749.

[OAR Docket #17-58; filed 1-24-17]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 10. LIFE, ACCIDENT AND
HEALTH**

[OAR Docket #17-59]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

Part 1. General Provisions

365:10-1-17. Life, accident, and health form filings
[AMENDED]

Subchapter 5. Minimum Standards; Contract Guidelines

Part 13. Medicare Supplement Insurance Minimum
Standards

365:10-5-129. Open enrollment [AMENDED]

SUMMARY:

365:10-1-17 is amended to clarify the requirements concerning elimination or restriction of coverage after issuance of a life or accident and health policy.

365:10-5-129 is amended to address premium pricing concerns in Medicare Supplement policies issued to disabled individuals.

AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1, 3611.1

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 20, 2017. Comments shall be directed to Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 23, 2017, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

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 Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 20, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address

listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 16, 2017, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will also be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

Barron B. Brown, Assistant General Counsel, (405) 521-2749.

[OAR Docket #17-59; filed 1-24-17]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 25. OTHER LICENSEES**

[OAR Docket #17-60]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Bail Bondsmen

Part 1. Continuing Education for Bail Bondsman

365:25-5-3. Education requirements [AMENDED]

365:25-5-4. Application for course approval [AMENDED]

365:25-5-8. Extensions of time [AMENDED]

Part 5. General Provisions Pertaining to Bail Bondsmen

365:25-5-49. Property bondsman requirements [NEW]

Subchapter 7. Companies

Part 11. Credit for Reinsurance

365:25-7-60. Purpose [AMENDED]

365:25-7-63. Credit for reinsurance - Accredited reinsurers
[AMENDED]

365:25-7-65. Credit for reinsurance - Reinsurers
maintaining trust funds [AMENDED]

365:25-7-66. Credit for reinsurance required by law
[AMENDED]

365:25-7-67. ~~Reduction~~ Asset or reduction from liability
for reinsurance ceded to an unauthorized assuming
insurer not meeting the requirements of 365:25-7-62
through 66 and 365:25-7-73 [AMENDED]

365:25-7-68. Trust agreements qualified under Section
365:25-7-67 [AMENDED]

365:25-7-70. Reinsurance contract [AMENDED]

365:25-7-72. Letters of credit qualified under 365:25-7-67
[AMENDED]

365:25-7-73. Credit for reinsurance - certified reinsurers
[NEW]

Part 15. Company Supervision [NEW]

365:25-7-80. Purpose [NEW]

365:25-7-81. Definitions [NEW]

365:25-7-82. Authorization [NEW]

Notices of Rulemaking Intent

- 365:25-7-83. Professional confidentiality [NEW]
- 365:25-7-84. Passing on of confidential information [NEW]
- 365:25-7-85. Agreements for information exchange [NEW]
- 365:25-7-86. Supervisory Colleges [NEW]
- Appendix BB. Written Confirmation Statement [NEW]
- Appendix CC. Certificate of Certified Reinsurer [NEW]
- Appendix DD. Annual Reinsurance Review - Property & Casualty Insurers [NEW]
- Appendix EE. Annual Reinsurance Review - Life & Health Insurers [NEW]
- Appendix FF. Small Employer Stop Loss Disclosure [NEW]

SUMMARY:

365:25-5-3 is amended to clarify that a bail bonds license applicant must pass an examination within one (1) year from the date of completion of prelicensing education as required by 59 O.S. § 1308.1(A). 365:25-5-4 is amended to reflect the fee requirement set forth in 59 O.S. § 1308.1(C). 365:25-5-8 is amended to reflect the continuing education requirements in 59 O.S. § 1308.1(A). 365:25-5-49 provides a further definition of a "Property bondsman" to give clarity to that term as set forth in 59 O.S. § 1301(B)(8). 365:25-5-49 also adds more clarity to the property bond requirements contained at 59 O.S. § 1324.

The changes to Subchapter 7, Part 11 are necessary to implement the provisions of two new pieces of legislation passed in 2016: SB 1488 and HB 2996. 365:25-7-60 is amended to establish the authority for the promulgation of Part 11. Section 63 is amended to allow a reinsurer to obtain accreditation if the Insurance Commissioner finds that it has adequate financial capacity to meet its reinsurance obligations. Section 65 is amended to allow a commissioner with principal regulatory oversight of a trust maintained by a reinsurer to reduce the required surplus level of the trust in certain circumstances, and sets out the manner in which a letter of credit may qualify as an asset of the trust. Section 66 is amended to update references to the appropriate portions of 36 O.S. § 5122. Section 67 is amended to update references to the appropriate portions of 36 O.S. § 5123.1. Section 68 is amended to provide that the failure of the trustee to draw against the letter of credit in circumstances where such draw would be required shall be deemed to be negligence and/or willful misconduct. Section 68 also sets out the provisions required to be included in reinsurance trust agreements. Section 70 is amended to include the correct statutory references and to clarify the required insolvency clause and intermediary clause required in reinsurance contracts. Section 72 is amended to update references. Section 73 is a new rule promulgated to set forth the requirements for reinsurers to become certified reinsurers, and specifies the criteria that will be used to determine a certified reinsurer's mandated collateral security levels. Appendix CC is a certificate that all certified reinsurers must submit to the Insurance Department. Appendix DD is an annual reinsurance review for property and casualty insurers. Appendix EE is an annual reinsurance

review for life and health reinsurers. Appendix FF is a small employer stop loss disclosure.

The new Subchapter 7, Part 15 allows for the Insurance Commissioner and staff to participate in future Supervisory Colleges. Participation is essential to monitoring the activities of large insurance holding companies that do business in our state but also have international operations. Oklahoma consumers will be harmed by not having their state representatives present for these important regulatory summits. 365:25-7-80 sets out the purpose of the new Part 15, which is to specify the confidential status and handling of certain information contained in the files of the Insurance Commissioner pursuant to various provisions of the Oklahoma Insurance Code (36 O.S. §§ 101-7301). Section 81 provides definitions to the terms "confidential information," "exchange," and "supervisory" used in the Part. Section 82 outlines the authorization for the Commissioner to promulgate these new rules. Section 83 establishes the guidelines for the protection of confidential information by the Commissioner, Department staff, and anyone else acting on behalf of the Commissioner or the Department. Section 84 sets out the procedure for passing on confidential information to other regulators. Section 85 allows for regulators to enter into agreements to facilitate the efficient execution of requests for or provisions of information. Section 86 provides guidelines for the exchange of confidential information through participation in a Supervisory College. Appendix BB is a written statement confirming that an organization will comply with the terms of the rules.

AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1, 5124, 7401; 59 O.S. § 1302

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 20, 2017. Comments shall be directed to Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 23, 2017, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

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 Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 20, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00

p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 16, 2017, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

Barron B. Brown, Assistant General Counsel, (405) 521-2749.

[OAR Docket #17-60; filed 1-24-17]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 40. HEALTH MAINTENANCE
ORGANIZATIONS (HMO)**

[OAR Docket #17-61]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Life, Accident & Health Division and Consumer Assistance and Claims Division Rules
Part 13. Termination of Members, Providers and Continuation of Benefits
365:40-5-74. Certification of creditable coverage
[REVOKED]

SUMMARY:

365:40-5-74 is repealed due to the authorizing statute being repealed in the 2015 legislative session.

AUTHORITY:

Insurance Commissioner; 36 O.S. § 307.1

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 20, 2017. Comments shall be directed to Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 23, 2017, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

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 Barron B. Brown, Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 20, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at www.ok.gov/oid.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 16, 2017, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above, and will also be available on the Insurance Department's website at www.ok.gov/oid.

CONTACT PERSON:

Barron B. Brown, Assistant General Counsel, (405) 521-2749.

[OAR Docket #17-61; filed 1-24-17]

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 25. BOILER AND PRESSURE
VESSEL RULES**

[OAR Docket #17-74]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
380:25-1-3 [NEW]

SUMMARY:

The proposed rule amendments are in response to SB0200 (effective November 1, 2016), which provides, in part, that the Commissioner of Labor may promulgate rules establishing a schedule of administrative fees for the registration, inspection, and operation of boilers, pressure vessels, and steam lines. The new law also provides that hot water heating and supply boilers may be inspected by licensed boiler operators or plumbing contractors licensed by the State of Oklahoma. The proposed rule amendments establish a schedule of administrative fees for the registration, inspection, and operation of boilers, pressure vessels, and steam lines. The circumstances which created the need for the rules are that SB0200 tasked the Department of Labor with amending the rules to include the aforementioned changes. The intended effect of the rules is to comply with the requirements of SB0200, to establish a reasonable schedule of fees to better provide for inspection of the large volume of boilers and pressure vessels in the state, and to increase public safety.

AUTHORITY:

Department of Labor; 40 O.S. §§ 141.3 and 141.16, Boiler and Pressure Vessel Safety Act

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 17, 2017, at the Oklahoma Department

Notices of Rulemaking Intent

of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 10:00 a.m., March 17, 2017, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 17, 2017, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 1, 2017 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Daniel A. Mares, Assistant General Counsel, (405) 521-6186 or daniel.mares@labor.ok.gov or James Buck, Deputy Commissioner, (405) 521-6111 or james.buck@labor.ok.gov.

[OAR Docket #17-74; filed 1-25-17]

TITLE 380. DEPARTMENT OF LABOR CHAPTER 40. OKLAHOMA OCCUPATIONAL HEALTH AND SAFETY STANDARDS ACT RULES

[OAR Docket #17-76]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 380:40-1-5 [AMENDED]
- 380:40-1-16 [AMENDED]
- 380:40-1-21 [AMENDED]
- 380:40-1-24 [NEW]

SUMMARY:

The proposed rule amendments are in response to SB1198 (effective November 1, 2016), which provides, in part, that the Commissioner of Labor may promulgate rules establishing a schedule of administrative fines for violations of the Oklahoma

Occupational Health and Safety Standards Act. The proposed rule amendments establish a schedule of administrative fines for violations of the Oklahoma Occupational Health and Safety Standards Act. All monies collected for violations of the Oklahoma Occupational Health and Safety Standards Act shall be deposited to the Department of Labor Administrative Penalty Revolving Fund for transfer to the General Revenue Fund. The proposed rule amendments decrease injury and illness reporting requirements to conform to Department of Labor practices. The circumstances which created the need for the rules are that SB1198 tasked the Department of Labor with amending the rules to include the aforementioned changes. The intended effect of the rules is to comply with the requirements of SB1198, to establish a reasonable schedule of fines to better ensure compliance with the Oklahoma Occupational Health and Safety Standards Act, and to increase public employee safety on the job while maintaining State, rather than Federal, oversight of public employee safety.

AUTHORITY:

Department of Labor; 40 O.S. §§ 407 and 412, Oklahoma Occupational Health and Safety Standards Act of 1970

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 17, 2017, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 1:00 p.m., March 17, 2017, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 17, 2017, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 1, 2017 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Daniel A. Mares, Assistant General Counsel, (405) 521-6186 or daniel.mares@labor.ok.gov or James

Buck, Deputy Commissioner, (405) 521-6111 or james.buck@labor.ok.gov.

[OAR Docket #17-76; filed 1-25-17]

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 50. ABATEMENT OF FRIABLE
ASBESTOS MATERIALS RULES**

[OAR Docket #17-73]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Contractor, Supervisor, and Worker
Licensing and Requirements

380:50-5-5 [AMENDED]

380:50-5-6 [REVOKED]

380:50-5-7 [REVOKED]

380:50-5-8 [AMENDED]

380:50-5-9 [AMENDED]

380:50-5-10 [AMENDED]

380:50-5-11 [AMENDED]

380:50-5-12 [AMENDED]

Subchapter 7. Violations

380:50-7-3 [NEW]

Subchapter 11. Laboratory Requirements

380:50-11-5 [AMENDED]

Subchapter 17. Minimum Abatement Standards

380:50-17-9 [AMENDED]

Subchapter 25. Contractor Work Fee

380:50-25-1 [AMENDED]

380:50-25-3 [AMENDED]

SUMMARY:

The proposed rule amendments are in response to SB1198 (effective November 1, 2016), which provides, in part, that: (1) the Commissioner of Labor may promulgate rules establishing a schedule of administrative fees for the application, licensing, examination, and certification of asbestos abatement contractors; and (2) the Commissioner of Labor may promulgate rules establishing a schedule of administrative penalties and fines for violation of the Oklahoma Asbestos Control Act, with payment of such fines going to the General Revenue Fund. The proposed rule amendments amend the schedule of administrative fees for the application, licensing, examination, and certification of asbestos abatement contractors and workers employed by a contractor for asbestos abatement. The rules amend the schedule of administrative fees paid to the Department of Labor for each separate containment area, glovebag, or miniature containment area of any asbestos abatement project. The rules remove the operation and maintenance ("O&M") contractor and worker licensing category. The rules establish

a schedule of administrative penalties and fines for violation of the Oklahoma Asbestos Control Act, with the funds to be transferred to the General Revenue Fund. The rules require that one technician performing on-site air monitoring shall be present at all times while abatement work is being performed. In accordance with SB1198, the rules do not exempt public entities from the contractor's work fee. The intended effect of the rules is to comply with the requirements of SB1198, to establish a reasonable schedule of fees and fines to better ensure compliance with the Asbestos Control Act, and to increase worker safety.

AUTHORITY:

Department of Labor; 40 O.S. §§ 452, 453, and 456, Oklahoma Asbestos Control Act

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 17, 2017, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 9:00 a.m., March 17, 2017, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 17, 2017, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 1, 2017 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Daniel A. Mares, Assistant General Counsel, (405) 521-6186 or daniel.mares@labor.ok.gov or James Buck, Deputy Commissioner, (405) 521-6111 or james.buck@labor.ok.gov.

[OAR Docket #17-73; filed 1-25-17]

Notices of Rulemaking Intent

TITLE 380. DEPARTMENT OF LABOR CHAPTER 55. AMUSEMENT RIDE SAFETY RULES

[OAR Docket #17-72]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

380:55-1-3 [NEW]

Subchapter 5. Fees

380:55-5-1 [AMENDED]

380:55-5-5 [AMENDED]

380:55-5-6 [NEW]

Subchapter 11. Insurance

380:55-11-2 [AMENDED]

Subchapter 15. Waiver Self-Inspections

380:55-15-1 [AMENDED]

380:55-15-2 [AMENDED]

380:55-15-3 [REVOKED]

SUMMARY:

The proposed rule amendments are in response to SB1199 (effective November 1, 2016), which provides, in part, that: (1) the Commissioner of Labor may promulgate rules establishing a schedule of administrative fees for the registration and inspection of amusement and other rides; (2) the Commissioner of Labor may promulgate rules establishing a schedule of administrative penalties and fines for violation of the Amusement Ride Safety Act, with payment of such fines going to the General Revenue Fund; and (3) elimination of the "Kiddie Ride" classification. The proposed rule amendments establish a schedule of administrative fees for the registration and inspection of amusement rides. The rules eliminate the "Kiddie Ride" classification and establish four categories of amusement rides. The rules establish a maximum administrative fine that may be assessed. The rules modify the experience requirements for Insurance Inspectors to include NAARSO level I certification. The rules modify the waiver inspection program procedures so that initial inspections are conducted by a Department of Labor inspector, with complex temporary amusement devices then being inspected by the Department of Labor at every fourth setup or when returning to the State of Oklahoma, and with non-complex temporary amusement devices being inspected by the Department of Labor approximately every 120 days. The rules remove the existing waiver self-inspection frequency provisions. The circumstances which created the need for the rules are that SB1199 changed the classifications for amusement rides. The intended effect of the rules is to comply with the requirements of SB1199, to establish a reasonable schedule of fees and fines to better ensure compliance with the Amusement Ride Safety Act and increase public safety, and to relieve industry of compliance burdens through modified inspection schedules.

AUTHORITY:

Department of Labor; 40 O.S. §§ 460, 463, and 469, Amusement Ride Safety

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 17, 2017, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 8:00 a.m., March 17, 2017, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 17, 2017, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 1, 2017 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Daniel A. Mares, Assistant General Counsel, (405) 521-6186 or daniel.mares@labor.ok.gov or James Buck, Deputy Commissioner, (405) 521-6111 or james.buck@labor.ok.gov.

[OAR Docket #17-72; filed 1-25-17]

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

[OAR Docket #17-75]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

380:70-1-2 [AMENDED]

380:70-1-3 [NEW]

Subchapter 3. Administration

380:70-3-5 [AMENDED]

- 380:70-3-9 [AMENDED]
- 380:70-3-10 [AMENDED]
- 380:70-3-11 [AMENDED]
- 380:70-3-12 [AMENDED]
- 380:70-3-13 [AMENDED]
- 380:70-3-15 [AMENDED]
- Subchapter 5. Licenses
- 380:70-5-3 [AMENDED]
- Subchapter 11. General Requirements
- 380:70-11-8 [AMENDED]
- 380:70-11-10 [AMENDED]

SUMMARY:

The proposed rule amendments are in response to SB0200 (effective November 1, 2016), which provides, in part, that: (1) third party elevator inspectors may conduct periodic inspections of elevators and other conveyances; (2) third party elevator inspectors must meet current ASME QEI-1 standards; (3) the Commissioner of Labor may promulgate rules establishing a schedule of administrative fines for violations of the Elevator Safety Act; and (4) the Commissioner of Labor may promulgate rules establishing a schedule of administrative fees for implementation of the Elevator Safety Act. The proposed rule amendments provide for the issuance of licenses to third party inspectors to conduct periodic inspections. The proposed rule amendments make minor changes to the procedures in place for periodic inspections which are currently performed by Department of Labor inspectors, allowing for periodic inspections by third party inspectors. The proposed rule amendments remove the criminal penalties for violations of the Elevator Safety Act, which remain in statute. The proposed rule amendments set a maximum administrative fine for violations of the Elevator Safety Act and provide for administrative appeals of any citations issued. All monies collected for violations of the Elevator Safety Act shall be deposited in the Department of Labor Administrative Penalty Revolving Fund and transferred to the General Revenue Fund. The proposed rule amendments require that any fines assessed must be paid prior to issuance or renewal of a license. The proposed rule amendments establish a schedule of administrative fees for the implementation of the Elevator Safety Act. The circumstances which created the need for the rules are that SB0200 tasked the Department of Labor with amending the rules to include the aforementioned changes. The intended effect of the rules is to comply with the requirements of SB0200, to establish a reasonable schedule of fees and fines to better ensure compliance with the Elevator Safety Act and increase public safety, and to expand opportunities for free market participation in the elevator inspection industry.

AUTHORITY:

Department of Labor; 59 O.S. §§ 3023 and 3024, Elevator Safety Act

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 17, 2017, at the Oklahoma Department

of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., March 17, 2017, at the Oklahoma Department of Labor, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 17, 2017, at the Oklahoma Department of Labor, Office of the General Counsel, 3017 N. Stiles, Suite 100, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 1, 2017 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Daniel A. Mares, Assistant General Counsel, (405) 521-6186 or daniel.mares@labor.ok.gov or James Buck, Deputy Commissioner, (405) 521-6111 or james.buck@labor.ok.gov.

[OAR Docket #17-75; filed 1-25-17]

**TITLE 420. OKLAHOMA LIQUEFIED
PETROLEUM GAS BOARD
CHAPTER 10. LIQUEFIED PETROLEUM
GAS ADMINISTRATION**

[OAR Docket #17-90]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 420:10-1-5. Permits [AMENDED]
- 420:10-1-8. Processing and handling of applications and examinations [AMENDED]
- 420:10-1-13. Responsible employees and managers who shall be required to have technical qualifications and manager's permits [AMENDED]
- 420:10-1-14. Standards for the storage and handling of liquefied petroleum gas [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

The proposed amendments to 420:10-1-5 deletes the authority that a Class III permit holder can operate a DOT cylinder filling station. This particular authority is covered under the Class VI permit. A separate endorsement is proposed that will allow a Class III permit holder with the III-A endorsement to invoice the end-user for bulk deliveries when the LP Gas is delivered by a Class I permit holder. Traditionally, only a Class I permit holder is authorized to invoice the end-user for bulk deliveries. However, this type of third party billing between a Class III permit holder and the end-user has become more prevalent in the industry. The amendment also ensures that a Class I permit holder is delivering the gas and safety is not compromised. The annual fee for III-A endorsement has been set at \$300.00.

The Class VI permit is being amended to update antiquated language relative to a charging station which is now more commonly referred to as a dispensing station. The Class VI permit is being amended to require a permit for each DOT cylinder dispensing station and/or motor fuel station. Language requiring the permit holder to pass a written examination has been deleted. An amendment is being proposed to require a Class VI permit holder to secure a Class VI-A permit for a person actively in charge of an LP Gas dispensing operation. The annual fee for the Class VI permit is increasing from \$100.00 to \$150.00.

The Class VI-A permit is being amended to reflect the changes made to the Class VI permit. As proposed the amendment would require that a Class VI-A LP Gas Dispensing permit be required for a person actively in charge of LP Gas dispensing operations for the holder of a Class VI permit. All Class VI-A permit holders must be an employee of said Class VI permit holder. The annual fee for the Class VI-A permit is increasing from \$25.00 to \$35.00.

The proposed amendments to 420:10-1-8 would delete the requirement that a Class VI permit applicant must pass a written examination. Based on the proposed amendments the Class VI-A employee will be the person actively in charge of the dispensing operations for the Class VI permit holder and the Class VI-A permit applicant is required to pass a written examination.

The proposed amendments to 420:10-1-13 would redefine how a Class X manager is considered to be actively supervising the LP Gas related sales and/or service being offered to the public at each separate branch or base of operation of a Class I permit holder which is operated as a relatively independent operation free from the day to day immediate supervision and control of the holder of the Class I permit, or the manager of a non-personal Class I permit holder. The proposed new language will clarify what is considered to be actively supervising and only allows a Class X manager to supervise a maximum of two separate branches or bases of operation. The language being stricken was subject to interpretation and difficult to enforce.

An amendment is also being proposed for an additional exemption as it relates to the requirement that each bulk retail

delivery shall be measured by a suitable LP Gas liquid meter system. The additional exemption is specifically stated as a delivery of a full transport load from the terminal to the end-user with a bill of lading.

An amendment is being proposed to delete the requirement that any person installing an underground container must notify the Administrator prior to installation. Underground container installation is currently covered by NFPA 58.

An amendment is being proposed to add language to the minimum storage requirements. The proposed language further defines what constitutes the minimum storage being considered properly maintained.

AUTHORITY:

Oklahoma Liquefied Petroleum Gas Board; Pursuant to Statute 420.3. Oklahoma Liquefied Petroleum Gas Board - Rules, regulations and specifications. Subsection (G)(H)

COMMENT PERIOD:

Persons wishing to submit written comments must do so before 4:30 p.m. on March 17, 2017. Written comments should be submitted to Ed Welton, Oklahoma Liquefied Petroleum Gas Administration, 3815 N. Santa Fe, Suite 117, Oklahoma City, OK 73118 or by email to Ed.Welton@lpgas.state.ok.us.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to orally present their views at 10:00 a.m. on Monday, March 20, 2017, at 3815 N. Santa Fe, Suite 117, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollars 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 through March 17, 2017 in writing to Ed Welton, at the above address, or by email at Ed.Welton@lpgas.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by calling the Oklahoma Liquefied Petroleum Gas Administration at 405-521-2458, Ed.Welton@lpgas.state.ok.us, or 3815 N. Santa Fe. Ave. Suite 117, Oklahoma City, OK 73118 (postal).

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and available for review on and after March 2, 2017, at the above address for the Oklahoma Liquefied Petroleum Gas Administration or by email to Ed.Welton@lpgas.state.ok.us.

CONTACT PERSON:

For information regarding the proposed rulemaking contact Ed Welton, Administrator, at 405-521-2458 or Ed.Welton@lpgas.state.ok.us.

[OAR Docket #17-90; filed 1-25-17]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #17-82]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Individual proceedings
535:1-7-3. Hearings [AMENDED]
- Subchapter 17. Pilot Projects [NEW]
535:1-17-1. Purpose [NEW]
535:1-17-2. General requirements [NEW]

SUMMARY:

The revision in 535:1-7-3 removes archaic language in 'order of procedure' since the Oklahoma Administrative Procedure act controls the hearing process.

New rule 535:1-17-1 and 535:1-17-2 describe pilot project purpose and general requirements e.g. application, approval, monitoring, reports, review, inspection, etc. Pilot project rules become effective when pilot project statute is effective.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.3, 353.5 - 353.7, 353.9, 353.11 - 353.20.1, 353.22, 353.24 - 354; Title 75 O.S., Section 302, 305, 307, and 309; Title 63 O.S., Sec 2-201, 2-208 and 2-210; and Title 51 Sec. 24 A.5 (3).

COMMENT PERIOD:

The comment period will run from February 15, 2017 through March 27, 2017, at 9:30 a.m. Written comments may be sent to the offices of the Board at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 29, 2017, at 2:00 p.m., in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than March 27, 2017, at 9:30 a.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after February 15, 2017, at the location listed above for copies of the proposed rules. It may be viewed in our office, on our website, or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Ms. Cindy Fain, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard, Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

[OAR Docket #17-82; filed 1-25-17]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 15. PHARMACIES**

[OAR Docket #17-83]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Pharmacies
535:15-3-2. Pharmacy responsibilities [AMENDED]
535:15-3-17. Pharmacy prescription records [AMENDED]
- Subchapter 5. Hospital Pharmacies
535:15-5-2. Definitions [AMENDED]
- Subchapter 6. Hospital Drug Room
535:15-6-8. Emergency dispensing and pre-packaged medications [AMENDED]
- Subchapter 10. Good Compounding Practices
Part 1. Good Compounding Practices for Non-Sterile Products
535:15-10-11. Pharmacy generated preparations requirements [AMENDED]
535:15-10-12. Compounding for a prescriber's office use [REVOKED]
535:15-10-13. Compounding veterinarian preparations [AMENDED]
- Subchapter 13. Pharmacy Supportive Personnel
535:15-13-6. Duties [AMENDED]
- Subchapter 15. Home Care Agency Pharmacy Agreements
535:15-15-1. Definitions [AMENDED]
- Subchapter 17. Nuclear Pharmacy
535:15-17-5. General requirements [AMENDED]

SUMMARY:

The revision in 535:15-3-2 adds a minimum number of hours a pharmacist in charge (PIC) must be physically present in the pharmacy. The revisions in 535:15-3-17 and 535:15-5-2 correct definition cites. The revision in 535:15-6-8 removes the word 'practitioner' that was missed when the language of the rule was updated from practitioner to prescriber. The revisions in 535:15-3-2 and 535:15-15-1 also remove "pharmacy manager" and replace it with "PIC" to keep the rules consistent.

Notices of Rulemaking Intent

The revision in 535:15-10-11 adds that pharmacy generated products (PGPs) must be labeled in compliance with federal FDA OTC labeling law, rules, and guidance documents as required by federal law. Section 535:15-10-12 is revoked because federal law prohibits pharmacy generated products (PGPs) for a prescribers office use.

The revision in 535:15-10-13 for compounding veterinarian preparations removes the second sentence of (a) and removes subsections (b), (c), (e) and (f). It adds a new (b) explaining that compounded preparations must comply with federal law, rules and guidance, it changes (d) to (c) and changes (g) to (d).

The following revisions improve the clarity of the rules. The revision in 535:15-13-6 (b) (8) remove an unnecessary "and" as the "and" for the list is now in (9). The revision in 535:15-15-1 adds the definition language to this definition section and correct administer drugs" definition cite. The revision in 535:15-17-5(g) insert a period after the word "below" ahead of the last sentence. The revision in 535:15-17-5 (i) (1) (m) removes "beyond-use-date" ahead of "BUD" and remove the parenthesis around BUD for consistency.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.11 - 353.20.1, 353.22, 353.24 - 353.26 - 354, and 367.8.

COMMENT PERIOD:

The comment period will run from February 15, 2017 through March 27, 2017, at 9:30 a.m. Written comments may be sent to the Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 29, 2017, at 2:00 p.m., in Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than March 27, 2017, at 9:30 a.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after February 15, 2017, at the location listed above for copies of the proposed rules. It may be viewed in our

office or on our website or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Ms. Cindy Fain, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

[OAR Docket #17-83; filed 1-25-17]

TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 20. MANUFACTURERS, REPACKAGERS, OUTSOURCING FACILITIES, WHOLESALERS, THIRD-PARTY LOGISTICS PROVIDERS, AND MEDICAL GAS SUPPLIERS AND DISTRIBUTORS

[OAR Docket #17-84]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 6. Outsourcing Facilities
535:20-6-6. Personnel [AMENDED]

SUMMARY:

The revision in 535:20-6-6 adds that a PIC may not serve in more than one outsourcing facility and/or pharmacy at time unless they are located at the same physical address.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.11 - 353.20.1, 353.22, 353.24 - 354, and 367.8; Title 51 OS 24A et seq.; Title 75 OS, Sec 2-201, 2-208, and 2-210.

COMMENT PERIOD:

The comment period will run from February 15, 2017 through March 27, 2017, at 9:30 a.m. Written comments may be sent to the Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 29, 2017, at 2:00 p.m., in Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than March 27, 2017, at 9:30 a.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after February 15, 2017, at the location listed above for copies of the proposed rules. It may be viewed in our office or on our website or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Ms. Cindy Fain, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

[OAR Docket #17-84; filed 1-25-17]

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 25. RULES AFFECTING VARIOUS REGISTRANTS**

[OAR Docket #17-85]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Violations of the Rules of Registrant Conduct 535:25-9-9. Misfill or incorrect fill of a prescription or drug order [AMENDED]

SUMMARY:

The 535:25-9-9 revision removes a duplicate "of" in the first sentence to improve clarity of the rule.

AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.11 - 353.20.1, 353.22, 353.24 - 353.26 - 354, and 367.8; Title 51 OS 24A et seq.; Title 75 OS, Sec 2-201, 2-208, and 2-210.

COMMENT PERIOD:

The comment period will run from February 15, 2017 through March 27, 2017, at 9:30 a.m. Written comments may be sent to the Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 29, 2017, at 2:00 p.m., in Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than March 27, 2017, at 9:30 a.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website www.pharmacy.ok.gov, or provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after February 15, 2017, at the location listed above for copies of the proposed rules. It may be viewed in our office or on our website or copies may be obtained for 25 cents per page.

CONTACT PERSON:

Ms. Cindy Fain, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

[OAR Docket #17-85; filed 1-25-17]

**TITLE 575. STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS
CHAPTER 1. ORGANIZATION OF BOARD AND PROCEDURES FOR HANDLING COMPLAINTS**

[OAR Docket #17-63]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

575:1-1-2. Organization and proceedings of the Board; petitions for rule making; declaratory rulings [AMENDED]

575:1-1-3. Investigation of requests for inquiry [AMENDED]

SUMMARY:

The proposed revisions allow for the rules, regulations and directory information to be maintained and published on the Oklahoma State Board of Examiners of Psychologists website. Additionally, a revision to the informal disposition of certain requests for inquiry provides alternative options to handle a matter informally.

AUTHORITY:

The State Board of Examiners of Psychologists has the authority to promulgate Rules for this area of control according to Title 59, O.S. 1981, Section 1352.1(8).

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 17, 2017 at the following address: 421 NW 13th Street, Suite 180, Oklahoma City, OK 73103, Attn: Teanne Rose.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Friday, March 24, 2017 at the Office of the Attorney General 313 Northeast 21st Street, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 8:55 a.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Examiners of Psychologists, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone (405)522-1333. The proposed rules are also available on the OSBEP website at www.psychology.ok.gov

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Examiners of Psychologists, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma, 73103. Telephone (405)522-1333.

CONTACT PERSON:

Teanne Rose, Executive Officer, (405) 522-1333.

[OAR Docket #17-63; filed 1-24-17]

TITLE 575. STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS CHAPTER 10. LICENSURE OF PSYCHOLOGISTS

[OAR Docket #17-62]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

575:10-1-2. Requirements to become licensed as a psychologist [AMENDED]

575:10-1-4. Fees for applicants [AMENDED]

575:10-1-8. Continuing professional education for psychologists [AMENDED]

SUMMARY:

The proposed amendments clarify the postdoctoral experience requirements, reduce the Jurisprudence re-examination fee and eliminate the EPPP re-examination for applicants. Additionally, a revision to the continuing professional education for psychologists updates the language regarding the credits allowed.

AUTHORITY:

The State Board of Examiners of Psychologists has the authority to promulgate Rules for this area of control according to Title 59, O.S. 1981, Section 1352.1(8).

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on March 17, 2017, at the following address: 421 NW 13th Street, Suite 180, Oklahoma City, OK 73103, Attn: Teanne Rose.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Friday, March 24, 2017, at the Office of the Attorney General 313 Northeast 21st Street, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 8:55 a.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Examiners of Psychologists, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone (405)522-1333. The proposed rules are also available on the OSBEP website at www.psychology.ok.gov

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Examiners of Psychologists, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma, 73103. Telephone (405)522-1333.

CONTACT PERSON:

Teanne Rose, Executive Officer, (405) 522-1333.

[OAR Docket #17-62; filed 1-24-17]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 1. GENERAL RULES OF THE DEPARTMENT OF PUBLIC SAFETY

[OAR Docket #17-64]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Organization of the Department of Public Safety

595:1-1-3. Function of each division which deals directly with and affects the public [AMENDED]

Subchapter 3. Rules of Practice

595:1-3-4. General rules regarding hearings [AMENDED]

595:1-3-6. Computation of time [AMENDED]

595:1-3-7. Request for hearing [AMENDED]

595:1-3-8. Temporary license [REVOKED]

595:1-3-9. Notice of action and opportunity for hearing [REVOKED]

595:1-3-11. Withdrawal of hearing request or dismissal of hearings [AMENDED]

595:1-3-12. Effect of dismissal [REVOKED]

595:1-3-14. Conduct of hearings [AMENDED]

595:1-3-15. Witnesses and exhibits [AMENDED]

- 595:1-3-19. Procedures for telephonic implied consent hearings [AMENDED]
- Subchapter 9. Inspection and Copying of Final Orders, Decisions, Opinions and Open Records
- 595:1-9-1. Purpose [AMENDED]
- 595:1-9-2. Inspection and copies of open records [AMENDED]
- 595:1-9-3. Records of the Department of Public Safety [AMENDED]
- 595:1-9-3.1. Retention and destruction of ~~department~~Department records [AMENDED]
- 595:1-9-4. Fees [AMENDED]
- 595:1-9-5. Obtaining open records [AMENDED]
- 595:1-9-6. Summary of ~~driving record~~Motor Vehicle Report [AMENDED]

SUMMARY:

The changes made in Subchapter 1 update phone numbers and addresses of various Troop headquarters across the state. In several sections the term "examiner" has been changed to "Hearing Officer". Many of the changes up-date out-of-date language and update sections to bring them in-line with Open Records statutes. The Department has also updated the retention schedule for retaining documents. Three sections were revoked either for out of date language or the revoked rules subject is addressed elsewhere in rule. In section 1-9-4 Fees, the agency is requesting a fee increase for the cost distributing dvd/cd's as they relate to Open Records. The Department receives a high volume of requests from both the media and the general public.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 4:00 P.M., Monday, March 20th, in classroom A, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Chris Sherman, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.7394. E-mail: thomas.sherman@dps.ok.gov

[OAR Docket #17-64; filed 1-24-17]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES**

[OAR Docket #17-65]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card
- Part 2. Application for Initial Driver License
- 595:10-1-2. General information [AMENDED]
- 595:10-1-3. Procedures for obtaining an initial driver license [AMENDED]
- 595:10-1-5. Graduated driver license; persons under eighteen (18) years of age [AMENDED]
- Part 3. Driver License Renewal
- 595:10-1-10. Procedure for obtaining a renewal driver license [AMENDED]
- 595:10-1-12. Oklahoma licensee temporarily residing out of the state [AMENDED]
- Part 5. Driver License Replacement
- 595:10-1-18. Procedure for obtaining a replacement driver license [AMENDED]
- Part 7. Identification Cards
- 595:10-1-26. Procedure for obtaining a renewal identification card [AMENDED]
- 595:10-1-27. Procedure for obtaining a replacement identification card [AMENDED]
- Part 13. Motor License Agents
- 595:10-1-51. Operational procedures [AMENDED]
- Part 19. Driver License and Identification Card Content
- 595:10-1-92. Driving restriction codes [AMENDED]
- Subchapter 7. Points System
- 595:10-7-2. Points assessed for conviction [AMENDED]
- Subchapter 11. Certified Schools and Designated Class D Examiners
- 595:10-11-3. Definitions [AMENDED]
- 595:10-11-6. Course of instruction for driver education instructors applying for certification as a designated examiner [AMENDED]

Notices of Rulemaking Intent

595:10-11-7. Examination requirements and standards [AMENDED]

Subchapter 15. Provisional Driver License Program

595:10-15-3. Eligibility Criteria [AMENDED]

595:10-15-4. Participants in the PDL Program [AMENDED]

595:10-15-5. Terms and conditions under which the Participant Licensee can drive [AMENDED]

595:10-15-6. Proof of insurance [AMENDED]

595:10-15-7. Completion of Required forms, payment of the initial minimum monthly payment, and payment of the Provisional License fee [AMENDED]

595:10-15-8. Termination (removal) from the PDL Program, Cancellation of the Class A, B, C, or D Provisional Driver License issued under the Provisional Driver License program, ineligibility from future participation in the PDL Program, and review [AMENDED]

SUMMARY:

The amended rules are the result of legislation passed by the legislature and signed into law by the Governor. The Department has updated information throughout the chapter changing the name of the Driver License Examining Division to Driver License Services Division. Language has been added to clarify acceptable forms of documentary evidence of lawful presence in the US from foreign nationals and permanent resident aliens. HB1860 authorizes the submission of notarized affidavit in purposes related to the issuance of driver licenses. The language adds a notarized affidavit signed by a custodial legal parent or guardian as a legal means for a minor to obtain a restricted license. SB0034 modifies language related to applying for renewal or replacement Oklahoma Class D licenses or identification cards. The bill removes language concerning the process for renewing the license or identification when the person is not in the state at the time of the renewal or at a time a replacement is required. It also clarifies the statute's language to permit the Department of Public Safety to develop by rule an alternative method of applying for a renewal or replacement license or identification card. SB0390 states piston displacement on a motorcycle driven by someone with a restricted Class D license with a motorcycle-only restriction should not exceed 300 centimeters. Language has been added making a Motor License Agency responsible for mistakes they make in the process of printing licenses and ID cards. Language has been added to the Examinations section making speeding in a school zone or in a construction zone with workers present, an automatic disqualification. Points will now be assessed to CDL holders who are convicted of using a hand-held device while operating a commercial vehicle (SB183). Additional requirements have been added for the certification of designated examiners and out of date language has been struck. The Provisional Driver License Program can now issue PDL's to class A, B, C, as well as D licensees, language has been added and updated to reflect the necessary changes for compliance.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 3:00 P.M. , Monday, March 20th, in classroom A, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Chris Sherman, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.7394. E-mail: Thomas.Sherman@dps.ok.gov

[OAR Docket #17-65; filed 1-24-17]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 11. COMMERCIAL DRIVER LICENSES

[OAR Docket #17-66]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Commercial Driver Licensing

Part 2. Application for Initial Commercial Driver License

595:11-1-12. Procedures for obtaining an initial commercial driver license [AMENDED]

595:11-1-13. Application by person licensed by another jurisdiction [AMENDED]

595:11-1-15. Applicability, substitutions, limitations, and additions to federal regulations adopted by reference [AMENDED]

595:11-1-17. Medical examiner's certificate requirements [AMENDED]

Part 3. Commercial Driver License Renewal - In Person

595:11-1-21. Procedure for obtaining a renewal commercial driver license in person [AMENDED]

Part 5. Commercial Driver License Replacement - In Person

595:11-1-31. Procedure for obtaining a replacement driver license in person [AMENDED]

Part 7. Changes to Information Contained on Commercial Driver License

595:11-1-51. Procedure to make a change of name on a commercial driver license [AMENDED]

Part 9. Commercial Driver License Card Content

595:11-1-61. Information displayed on commercial driver licenses [AMENDED]

Subchapter 3. Examination

595:11-3-2. Study guide [AMENDED]

595:11-3-6. Written examination [AMENDED]

595:11-3-7. Pre-trip inspection examination of commercial motor vehicles [AMENDED]

595:11-3-8. Skills examination [AMENDED]

595:11-3-9. Automatic failure of skills examination [AMENDED]

Subchapter 5. Commercial Driver License Third-Party Examiners

595:11-5-1. Purpose [AMENDED]

595:11-5-4. Requirements for certification as a certified school; display of certificate; certification renewal [AMENDED]

595:11-5-5. Requirements for certification as a third-party examiner; display of certificate; certification renewal [AMENDED]

595:11-5-7. Skills examination requirements and standards [AMENDED]

595:11-5-9. Failed examinations and reexamination [AMENDED]

595:11-5-11. Records to be maintained by certified schools and third-party examiners [AMENDED]

595:11-5-13. Prescribed forms [AMENDED]

595:11-5-14. Official seal, map and CDL examiners manual [AMENDED]

595:11-5-15. Prohibited acts; conduct [AMENDED]

595:11-5-17. Withdrawal or denial of certification [AMENDED]

Subchapter 7. Truck Driver Training

595:11-7-2. Definitions [AMENDED]

595:11-7-3. School licenses and instructor permits [AMENDED]

595:11-7-4. Qualifications for instructors [AMENDED]

595:11-7-5. Review of permitted instructors and licensed schools [AMENDED]

595:11-7-10. Specification for commercial motor vehicles [AMENDED]

595:11-7-13. Requirements for schools and classrooms [AMENDED]

SUMMARY:

The majority of changes in this section are a direct result of federal regulation updates. Changes were made in the CDL licensing requirements to match the state's Class D requirements.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 2:00 P.M., Monday, March 20th, in classroom A, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Chris Sherman, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.7394. E-mail: thomas.sherman@dps.ok.gov

[OAR Docket #17-66; filed 1-24-17]

Notices of Rulemaking Intent

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 25. WRECKERS AND TOWING SERVICES

[OAR Docket #17-67]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Wrecker License
- 595:25-3-1. General requirements [AMENDED]
- 595:25-3-2. Applications [AMENDED]
- 595:25-3-3. Renewal [AMENDED]
- 595:25-3-4. Trade name [AMENDED]
- Subchapter 5. All Wrecker Operators
- 595:25-5-1. Physical requirements for storage facility [AMENDED]
- 595:25-5-2. Equipment requirements for all classes of wrecker vehicles [AMENDED]
- 595:25-5-3. Operation [AMENDED]
- 595:25-5-5. Records [AMENDED]
- 595:25-5-6. Schedule of rates and fees [REVOKED]
- Subchapter 9. Oklahoma Highway Patrol Rotation Log - Additional Requirements
- 595:25-9-2. Operator requirements [AMENDED]

SUMMARY:

Section 25-3-1 updates education requirements and continuing education requirements for wrecker drivers and operators. Outdated language was deleted as it relates to size of lettering required for wrecker vehicles which has to be 3 inches in height. Updates language to include operators and drivers as persons who cannot operate a wrecker service as an operator or driver who have been convicted of certain crimes and updates language as it relates to itemized statements. Section 25-3-2, Applications, has been updated and language has been removed as it relates to temporary 30 day permits. The department no longer issues temporary permits as it conflicts with current statute. Again, in Section 25-3-3, language has been redacted that is in conflict with current statute. In section 23-3-4 small changes were made to clarify the rule. The changes in Section 25-5-1 clarify what the requirements for a storage facility are and redacts outdated language. Section 25-5-2 updates equipment requirements for wreckers. The operation section, 25-5-3, updates were made to help delineate evidence of ownership, proof of identification and proof of insurance documents that are acceptable. Outdated language was struck and language was added to again clarify what is required from an owner or authorized agent. Section 25-5-5 takes out the requirement that the Department furnish record keeping documents to wrecker services as all of the information is online. Section 25-5-6 was completely redacted; DPS is no longer in charge of the rates and fees as it has become an OCC issue. The last change comes in Section 25-9-2 and adds language that an operator will advise dispatch of their current location and time of arrival.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 1:00 P.M., Monday, March 20th, in (location/classroom), of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Chris Sherman, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.7394. E-mail: thomas.sherman@dps.ok.gov

[OAR Docket #17-67; filed 1-24-17]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 30. SIZE AND WEIGHTS PERMITS

[OAR Docket #17-68]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Size and Weight Permit Load
- 595:30-3-17. Requirements for escort vehicles and escort vehicle operators [AMENDED]

SUMMARY:

Update definition to eliminate confusion. Add steerman and the definition of steerman to 595:30-3-17(d)(3) to read:

"The operator of the escort vehicle shall not perform as a tillerman or steerman while performing escort operations. A passenger in the escort vehicle may act as a steerman. For purposes of this paragraph, "tillerman" means a person who is physically located on the CMV, has a valid commercial driver license and who operates by remote control or other means any axle of the CMV; "steerman" means a person who is not physically located on the CMV, not required to have a valid commercial driver license, and who operates by remote control or other means any axle of the CMV." Applicable federal regulation guidance found at FMCSR §383.3 Question 34 and §390.5 Question 14. Within the last year there has been multiple questions and confusion from carriers regarding the differences and requirements.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 11:00 A.M. , Monday, March 20th, in classroom A, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Chris Sherman, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.7394. E-mail: thomas.sherman@dps.ok.gov

[OAR Docket #17-68; filed 1-24-17]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 35. ENFORCEMENT OF OKLAHOMA MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS TRANSPORTATION ACT**

[OAR Docket #17-69]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

595:35-1-6. Deletions, substitutions, and additions to federal rules adopted by reference [AMENDED]

595:35-1-9. Hearings [AMENDED]

595:35-1-12. Department of Public Safety Port of Entry Officers [NEW]

SUMMARY:

The rule conflicts with federal regulations. This rule is intended to only contain deletions, substitutions, and additions to federal rules adopted by reference in 595:35-1-4. The rule as it reads currently contains exceptions that need to be adjusted to comply with federal regulations. The thought it to remove any exceptions that need to be changed to match the federal exceptions, why have the exemption in both places when it has already been adopted by reference. In 2008 the FMCSA ran a compliance audit on our state laws and admin rules and within that audit they found that 595:35-1-6 was out of compliance with at least 5 federal regulations. Some of the required changes were made to 595:35-1-6o2 but need to be added to 595:35-1-6 with some additional changes. It is indicated in our FY2017 CVSP for the MCSAP grant that we are aware that 595:35-1-6 is not compatible with the federal regulations and that a rule change would be requested for FY2017.

Additionally, states no longer have the ability to issue USDOT numbers, the current rule still allows for this. We are required for federal compliance to adopt the registration through the Uniform Registration System and the change of markings no later than October 23, 2018. Also, the rule allows for a cargo tank exemption in (d)(1) that expired in 1/1/99; we would like to remove it from the rule; federal regulation 173.315(k) contains this exception. Lastly, the substitute terminologies for Troop S in (b)(3) are not used anywhere else within 595:35-1 and are not necessary. The hearings under 595:35-1-9 for civil penalties on motor carrier safety and hazardous material violations fall within Article II of the APA (Administrative Procedures Act). The current rule does not align with the requirements under the APA. Rule 595:35-1-9 currently allows for a rehearing, reopening, or reconsideration request under 75 O.S. §317 both before and after a final order is issued. Statute 75 O.S. §317 only allows for a rehearing, reopening, or reconsideration request after a final order is issued. The APA separately allows for oral arguments and briefing before the administrative head prior to the final order being issued under 75 O.S. §311. DPS has been directed to promulgate rules. Statute 47 O.S. §14-116 was amended

Notices of Rulemaking Intent

during the 2016 legislative session. The amending language created DPS port of entry officers (hereafter : "DPS POE officers") and provided funding. The amended statute enables and directs DPS to promulgate rules specifying the powers and duties of the DPS POE officers. Troop S would like the possibility for DPS POE officers to be CLEET certified peace officers. The benefit of having CLEET certified peace officers is a safety concern for the officer and for the motoring public. The officer will potentially be alone day/night many miles away from a town needing to protect themselves and others. The officer may also run into a driver that needs to be detained. We have been granted this opportunity by the legislature to fill the port of entries; if we do not jump on this opportunity as soon as possible we run the risk of losing it. The hiring of DPS POE officers, from the additional funds specifically appropriated to DPS from permit fees, will allow Troop S to drastically increase the number of inspections conducted every day which will in turn drastically increase the number of Out-of-Service violations discovered.

There has been a new section added to this chapter for DPS Port of Entry officers. The legislature amended 47 O.S. § 14-116 in 2016 to provide funding for Department of Public Safety port of entry officers (DPS POE officers) and directing the Department to promulgate rules specifying the powers and duties of DPS POE officers.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 10:00 A.M., Monday, March 20th, in classroom A, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Chris Sherman, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.7394. E-mail: thomas.sherman@dps.ok.gov

[OAR Docket #17-69; filed 1-24-17]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT

[OAR Docket #17-70]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Driver Education Instruction

595:40-1-2. Definitions [AMENDED]

595:40-1-3. Driver education instructor permit/license [AMENDED]

595:40-1-4. Qualifications for instructors [AMENDED]

595:40-1-9. Prescribed course of study [AMENDED]

595:40-1-13. Reports [AMENDED]

595:40-1-15. Requirements for all ~~commercial~~ driver education schools and classrooms except public schools [AMENDED]

595:40-1-18. Hearings [AMENDED]

SUMMARY:

The changes in 595:40-1-2 update the definition of "Driver Education Instructor" to include the words demonstrating and supervising. The updates in section 40-1-3 update language as it relates to background checks and updates the name of the division to Driver License Services Division from the Driver Examining Division. Section 595:40-1-4 adds sex offenders who are required to register to the list of disqualifications from becoming a driver instructor. The language also adds non-public schools in section (b) to include those instructors and some out of date language was struck as well. In section 595:4-1-9 the requirement was added that a Driver Education instructor must occupy the front seat of the vehicle while instructing students. Language was updated in part (6) to reflect that a paper or electronic filed copy of the student roster is required before instruction can begin and part (8) updates the Motorcycle Safety Foundation Curriculum to the most recent version and it makes it the only acceptable course of instruction. Section 595:40-1-13 adds language that requires the Commercial Driver Education schools must submit a paper or electronic list of all enrolled students before training begins. Section 595:40-1-15 updates the list of requirements for all driver education schools and classrooms and adds part (7) which lays out the requirements for a motorcycle range facility and equipment for motorcycle classes. The hearings under 595:40-1-18 for commercial driver school

schools and instructor licenses fall within Article II of the APA (Administrative Procedures Act). Rule 595:40-1-18 currently requires that a hearing, when requested, be set no less than 15 days nor more than 30 days from the date the request was received. This time restriction is not necessary. This type of time restriction has been removed in other types of administrative hearings. Prior to 1977 47 O.S. §754 required a type of administrative hearing to be set within 30 days, which has since been removed. Most importantly, the APA does not have a time restriction of when administrative hearing must be held. Additionally, the current rule does not align with the requirements under the APA. The current rule allows for a rehearing, reopening, or reconsideration request under 75 O.S. §317 before and after the final order is issued. Statute 75 O.S. §317 only allows for a rehearing, reopening, or reconsideration request after a final order is issued. The APA separately allows for oral arguments and briefing before the administrative head prior to the final order being issued under 75 O.S. §311.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 9:00 A.M. , Monday, March 20th, in classroom A, of the Robert Lester Training Center, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by (5 minutes after start of hearing).

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Chris Sherman, DPS Legislative Analyst, Department of Public Safety, 3600 N. Martin Luther King Ave., PO

Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.7394. E-mail: thomas.sherman@dps.ok.gov

[OAR Docket #17-70; filed 1-24-17]

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

[OAR Docket #17-51]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Preparation of Documents
Part 3. Rule Documents
655:10-7-11. Preamble [AMENDED]

SUMMARY:

Amendments to the Secretary of State's Administrative Rules on Rulemaking (ARR) [OAC 655:10] are proposed to comply with statutory changes to Article 1 of the Administrative Procedures Act enacted in SB 912, effective November 1, 2016.

SB 912 requires rulemaking agencies to include a statement of the gist of the rule in the Permanent Rule Document (PER) that is filed with OAR for publication in the Register after the rules become finally adopted.

These amendments will supersede identical emergency amendments that were approved by the Governor on December 22, 2016.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to submit written comments must do so by March 17, 2017. Written comments should be submitted to Peggy Coe at 421 NW 13th St., Suite 220, Oklahoma City, OK 73103 or by email to peggy.coe@sos.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views at 2:00 p.m. on Friday, March 17, 2017, at the Colcord Center, 421 NW 13th St., Suite 220 in Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

The proposed rules are available on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>. Copies of the proposed rules may also be obtained by contacting Peggy Coe at 405-521-4911, peggy.coe@sos.ok.gov (email), or 421 NW 13th St., Suite 220, Oklahoma City, OK 73103 (postal).

RULE IMPACT STATEMENT:

As required by 75 O.S., Section 303(D), a rule impact statement will be prepared and available on and after

Notices of Rulemaking Intent

March 2, 2017, on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>, and from Peggy Coe at 421 NW 13th St., Suite 220, Oklahoma City, OK 73103 or by email to peggy.coe@sos.ok.gov.

CONTACT PERSON:

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

[OAR Docket #17-51; filed 1-24-17]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY CHAPTER 10. LICENSURE AND FEES

[OAR Docket #17-94]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensure of Speech-Language Pathologists and Audiologists

690:10-3-5. Supervised clinical practicum requirement [AMENDED]

690:10-3-6. Clinical ~~experience~~fellowship requirement [AMENDED]

690:10-3-7. Examination requirement and exceptions [AMENDED]

690:10-3-8. Continuing education (CE) for speech-language pathologists, audiologists, and speech-language pathology assistants [AMENDED]

Subchapter 5. Licensure of Speech-Language Pathology Clinical ~~Experience—Interns—Fellows~~ Completing Post-Graduate Clinical ~~Experience—Fellowship~~

690:10-5-1. License to practice as a speech-language pathology clinical ~~experience—intern—fellow~~ [AMENDED]

690:10-5-3. Representation of clinical ~~experience—intern—fellow~~ as independent practitioner [AMENDED]

690:10-5-4. Application form for clinical ~~experience—interns—fellows~~ [AMENDED]

690:10-5-5. Authorization period and extensions for clinical ~~experience—interns—fellows~~ [AMENDED]

690:10-5-6. Requirements for supervision of clinical ~~experience—interns—fellows~~ [AMENDED]

690:10-5-7. Notification of Board decision [AMENDED]

690:10-5-8. Direct supervision required [AMENDED]

Subchapter 7. Licensure of Speech-Language Pathology Assistants and Audiology Assistants

690:10-7-1. Practice as an Assistant [AMENDED]

690:10-7-3. Supervision required [AMENDED]

690:10-7-9. Academic requirements [AMENDED]

Subchapter 9. Fees

690:10-9-2. License renewal fee [AMENDED]

SUMMARY:

The proposed amendments to Chapter 10 change the phrase "clinical experience intern" to "clinical fellow," and the phrase "clinical experience" to "clinical fellowship" throughout Subchapters 3 and 5. Rule 10-3-8 is amended to clarify the prorated amount of continuing education required by licensees.

Rules 10-5-6 and 10-7-3 are amended to clarify the supervision training requirement. In section 10-5-8, "audiologist" is removed from the section because an audiologist does not supervise a clinical fellow.

Rule 10-7-3 is also amended to add new language about documenting supervision. Rule 10-7-9 is amended to change the academic requirements for speech-language pathology assistants. Rule 10-9-2 is amended to change the application requirements for persons whose licenses have permanently expired.

AUTHORITY:

59 O.S., 2011 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., March 17, 2017. Written comments may be mailed or hand delivered to the attention of Amy Hall, Executive Secretary, Board of Examiners for Speech-Language Pathology and Audiology, 3700 N. Classen Blvd, Suite 248, Oklahoma City, OK 73118; facsimile, at (405) 524-4985; or by email at amy.hall@obespa.ok.gov.

PUBLIC HEARING:

The Board of Examiners for Speech-Language Pathology and Audiology will conduct a public hearing on March 21 at 1:00 p.m. in Conference Room 105 at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OBESPA 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 Amy Hall, at the above address, before the close of the comment period on March 17, 2017.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Amy Hall, Executive Secretary, at the above address or through the OBESPA website at www.obespa.ok.gov.

RULE IMPACT STATEMENT

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

ADDITIONAL INFORMATION

For additional information contact Susan McHugh, M.S., CCC-SLP at 405-726-3120.

[OAR Docket #17-94; filed 1-26-17]

**TITLE 770. OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS
CHAPTER 15. CLAIMS AND BENEFITS
DIVISION PROGRAM**

[OAR Docket #17-45]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Subchapter 7. Honorable Interment of Indigent Veterans Program [NEW]

770:15-7-1. Purpose [NEW]

770:15-7-2. Eligibility for Indigent Veterans Burial Program [NEW]

770:15-7-3. Procedures for processing claims [NEW]

770:15-7-4. Policies and basis for claims [NEW]

SUMMARY:

The purpose of this proposed rule is to establish a program to provide assistance for the proper interment or cremation of honorably discharged indigent veterans of the United States Armed Forces. The program shall aid in obtaining any available burial benefits from the United States Department of Veterans Affairs or through private organizations. The program shall provide for a burial grant for any indigent veteran or any person who qualifies for financial assistance as determined by the Oklahoma Department of Veterans Affairs (ODVA). The proposed rules will establish regulatory guidance and will include but are not limited to: eligibility criteria, procedures for processing claims, and policies and basis for claims; all as the result of SB 398 being adopted by the Legislature and signed by the Governor.

AUTHORITY:

Oklahoma Department of Veterans Affairs Title; 72 O.S. Section 63.1; Title 75 O.S., Section 250 et seq.

COMMENT PERIOD:

Persons wishing to submit written comments must do so on or before 4:30 p.m., March 17, 2017 at the following address: Oklahoma Department of Veterans Affairs, 2311 N. Central Ave, Oklahoma City, OK 73015 attention Randy Reynolds; or submitted to Randy Reynolds at rreynolds@odva.state.ok.us; or FAX (405) 523-4008.

PUBLIC HEARING:

A public hearing will be held 2:00 pm to 4:30 pm on Monday, March 20, 2017, at Oklahoma Department of Veterans Affairs conference room, 2311 N Central Ave, Oklahoma City, OK. 73105. Persons who wish to speak must sign in at the door. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide ODVA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be

incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional to the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing on or before the comment period end of the comment period to Oklahoma Department of Veterans Affairs, 2311 N. Central Ave, Oklahoma City, OK 73015 attention Randy Reynolds; or submitted to Randy Reynolds at rreynolds@odva.state.ok.us; or FAX (405) 523-4008.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Veterans Affairs at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Veterans Affairs at the above address.

CONTACT PERSON:

Randy Reynolds, Northwest Region Manager, Veteran Service Representative, Oklahoma Department of Veterans Affairs, P.O. Box 53067 Oklahoma City, OK. 73152, Tel: (405) 523-4023, rreynolds@odva.state.ok.us.

[OAR Docket #17-45; filed 1-18-17]

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 10. ADMINISTRATION AND SUPERVISION**

[OAR Docket #17-53]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. State Technical Assistance, Supervision, and Services [AMENDED]

Subchapter 5. Finance [AMENDED]

Subchapter 7. Local Programs, Career Majors or Instructional Positions: Application; Student Accounting; Evaluation [AMENDED]

SUMMARY:

The purpose of the proposed rule amendments corrects errors in format, punctuation, capitalization and grammar. It also updates information to match current terminology. Additionally, proposed rule amendments delete language and roles that are no longer in effect due to agency reorganization. This rule amendment provides clarification needed to describe the change in program names and how instructions will be disseminated for reporting. Through reorganization, the Information Commons division has been absorbed and services to state staff and field staff are provided differently.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, § 14-104, § 14-112, as amended.

Notices of Rulemaking Intent

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 16, 2017 until 4:30 p.m. March 20, 2017. Written comments in electronic form will be accepted during the open public comment period via email at marie.saatkamp@careertech.ok.gov. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person".

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., Thursday, March 23, 2017, Oliver Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 15, 2017, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 16, 2017, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

CONTACT PERSON:

Marie Saatkamp, Human Resources Specialist, 405-743-5455, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398.

[OAR Docket #17-53; filed 1-24-17]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 20. PROGRAMS AND SERVICES

[OAR Docket #17-54]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Secondary, Full-Time and Short-Term Adult CareerTech Programs [AMENDED]

Subchapter 5. Programs, Services, and Activities Funded Through P.L.105-332 Carl D. Perkins Vocational and Technical Education Act of 1998, as Amended by P.L.109-270 [AMENDED]

SUMMARY:

The rule amendment clarifies the approval of comprehensive school programs that operate on block schedules and trimesters. It also deletes an outdated section on mixing levels of courses within the same class period and correction to grammatical errors. Proposed rule amendment reflects the change to family and consumer sciences content and program name. Additionally, this proposed rule amendment reflects the change to teacher certification requirements for certain STEM areas and would allow the option for STEM students to participate in the BPA student organization if it fits within their occupational program. Also, this proposed rule amendment clarifies language for roles that were changed in the reorganization of the agency.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, § 14-104, § 14-112, as amended.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 16, 2017 until 4:30 p.m. March 20, 2017. Written comments in electronic form will be accepted during the open public comment period via email at marie.saatkamp@careertech.ok.gov. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person".

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., Thursday, March 23, 2017, Oliver Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 15, 2017, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 16, 2017, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398

or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

CONTACT PERSON:

Marie Saatkamp, Human Resources Specialist, 405-743-5455, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398.

[OAR Docket #17-54; filed 1-24-17]

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 35. LIFELONG LEARNING
ADULT BASIC EDUCATION**

[OAR Docket #17-55]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 780:35-1-1. General Provisions [AMENDED]
- 780:35-1-2. Adult Basic Education [AMENDED]
- 780:35-1-3. High School Equivalency (HSE) testing program [AMENDED]

SUMMARY:

The proposed rule amendment changes the title from Lifelong Learning to Adult Basic Education, updates definitions and outlines policies and procedure regarding adult basic education. Also, the proposed rule outlines policies and procedures regarding high school equivalency program.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, § 14-104, § 14-112, as amended.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 16, 2017 until 4:30 p.m. March 20, 2017. Written comments in electronic form will be accepted during the open public comment period via email at

marie.saatkamp@careertech.ok.gov. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person".

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., Thursday, March 23, 2017, Oliver Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 15, 2017, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 16, 2017, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

CONTACT PERSON:

Marie Saatkamp, Human Resources Specialist, 405-743-5455, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398.

[OAR Docket #17-55; filed 1-24-17]

Submissions to Governor and Legislature

Within 10 calendar days after adoption by an agency of proposed PERMANENT rules, the agency must submit the rules to the Governor and the Legislature. A "statement" of such submission must subsequently be published by the agency in the *Register*.
For additional information on submissions to the Governor/Legislature, see 75 O.S., Section 303.1 and 308.

TITLE 135. COMMISSION ON CHILDREN AND YOUTH CHAPTER 10. PROGRAMS, BOARDS, AND COUNCILS: OPERATION AND ADMINISTRATION

[OAR Docket #17-56]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 26. Juvenile Forensic Evaluator Credentialing
[NEW]

135:10-26-1 [NEW]

135:10-26-2 [NEW]

135:10-26-3 [NEW]

135:10-26-4 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 24, 2017

[OAR Docket #17-56; filed 1-24-17]

TITLE 135. COMMISSION ON CHILDREN AND YOUTH CHAPTER 10. PROGRAMS, BOARDS, AND COUNCILS: OPERATION AND ADMINISTRATION

[OAR Docket #17-57]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 3. Office of Juvenile System Oversight

135:10-3-2 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE

January 24, 2017

[OAR Docket #17-57; filed 1-24-17]

TITLE 218. OFFICE OF EDUCATIONAL QUALITY AND ACCOUNTABILITY CHAPTER 10. EDUCATIONAL QUALITY

[OAR Docket #17-52]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Educator Preparation Program Accreditation

218:10-5-3 [AMENDED]

218:10-5-4 [AMENDED]

Subchapter 7. Educator Assessment

218:10-7-1 [AMENDED]

Subchapter 8. Teaching Certification Scholarship Program
[NEW]

218:10-8-1 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 23, 2017

[OAR Docket #17-52; filed 1-24-17]

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 1. GENERAL PROVISIONS

[OAR Docket #17-42]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Records and Inspections

240:1-3-9. Release of confidential information to specific government agencies [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 17, 2017

[OAR Docket #17-42; filed 1-17-17]

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 10. UNEMPLOYMENT INSURANCE PROGRAM

[OAR Docket #17-43]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

240:10-1-3. Time computation [AMENDED]

Subchapter 3. Benefits

Part 7. Protection of Rights and Benefits

240:10-3-35. Personal identification numbers
[AMENDED]

Subchapter 5. Contributions

Submissions to Governor and Legislature

Part 1. General Provisions
240:10-5-4. Surety bond for lessor employing units
[AMENDED]
Part 3. Rates
240:10-5-10. Payment of contributions [AMENDED]
Part 7. Collection of Contributions
240:10-5-31. Claims for refund - procedure [AMENDED]
Part 8. Waiver of Penalty and Interest
240:10-5-43. Request letter [AMENDED]
240:10-5-45. Appeal of initial determination [AMENDED]
Part 15. Financing Benefits to Employees of the State
240:10-5-71. Group accounts [REVOKED]
Part 17. Financing Benefits to Employees of Nonprofit
Organizations
240:10-5-80. Establishment of group accounts for
state, local governments and nonprofit organizations
[REVOKED]
Subchapter 11. Assessment Board Procedure
Part 1. General Provisions
240:10-11-5. Jurisdiction [AMENDED]
Subchapter 13. Appeal Tribunal Procedure
Part 11. Appeals to Board of Review
240:10-13-80. Appeal rights of interested parties
[AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 17, 2017

[OAR Docket #17-43; filed 1-17-17]

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 15. BOARD OF REVIEW PROCEDURES

[OAR Docket #17-46]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Appeals to the Board of Review
240:15-3-6. Certification of fact finding and questions of
law from appeal tribunal [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2017

[OAR Docket #17-46; filed 1-18-17]

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 21. WORKFORCE INVESTMENT ACT

[OAR Docket #17-44]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions [REVOKED]
240:21-1-1. Purpose and authority [REVOKED]
240:21-1-2. Definitions [REVOKED]
240:21-1-3. Addresses for appeals [REVOKED]
240:21-1-4. Time computation [REVOKED]
Subchapter 7. Monitoring [REVOKED]
240:21-7-1. Monitoring and exit conference [REVOKED]
240:21-7-2. Monitoring report [REVOKED]
240:21-7-3. Monitoring resolution [REVOKED]
240:21-7-4. Final determination [REVOKED]
240:21-7-5. Appeal [REVOKED]
240:21-7-6. Hearing [REVOKED]
Subchapter 9. Audits [REVOKED]
240:21-9-1. Audit requirements [REVOKED]
240:21-9-2. Delinquent audit [REVOKED]
240:21-9-3. Audit resolution [REVOKED]
240:21-9-4. Audit review and request for information
[REVOKED]
240:21-9-5. Initial determination [REVOKED]
240:21-9-6. Final determination [REVOKED]
240:21-9-7. Appeal [REVOKED]
240:21-9-8. Hearing [REVOKED]
Subchapter 11. Grievance Procedures [REVOKED]
Part 1. General Provisions [REVOKED]
240:21-11-1. Grievances [REVOKED]
Part 3. Grievances Filed Directly with the OESC
[REVOKED]
240:21-11-10. Filing [REVOKED]
240:21-11-11. Time limit for filing a grievance with OESC
[REVOKED]
240:21-11-12. Contents of a grievance [REVOKED]
240:21-11-13. Referral of a grievance filed with OESC
[REVOKED]
Part 5. Appeals to the OESC from grievance decisions of a
local area [REVOKED]
240:21-11-20. Filing grievance with local area
[REVOKED]
240:21-11-21. Appeals with OESC [REVOKED]
240:21-11-22. Time limit for filing an appeal with OESC
[REVOKED]
Part 7. Informal and Formal Resolutions of Grievances
[REVOKED]
240:21-11-30. Informal resolution [REVOKED]
240:21-11-31. Hearing [REVOKED]
240:21-11-32. Remedies [REVOKED]

240:21-11-33. Appeal to Secretary or investigation by Secretary [REVOKED]
240:21-11-34. Decision of the Secretary [REVOKED]
SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
January 17, 2017

[OAR Docket #17-44; filed 1-17-17]

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

[OAR Docket #17-47]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

325:1-1-7 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2017

[OAR Docket #17-47; filed 1-20-17]

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

[OAR Docket #17-48]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

325:45-1-24 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2017

[OAR Docket #17-48; filed 1-20-17]

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

[OAR Docket #17-49]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

325:50-1-3.1 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2017

[OAR Docket #17-49; filed 1-20-17]

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

[OAR Docket #17-50]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

325:75-1-3 [AMENDED]

325:75-1-21 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 18, 2017

[OAR Docket #17-50; filed 1-20-17]
