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Mary Fallin, Governor
Dave Lopez,
Secretary of State
Peggy Coe, Editor-in-Chief

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Notices of Rulemaking Intent

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

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

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

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD

[OAR Docket #17-784]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Procedure in Individual Proceedings

158:1-5-11 [AMENDED]

158:1-5-12 [AMENDED]

158:1-5-14 [AMENDED]

SUMMARY:

The proposed amendments clarify the statutory procedure for proposed orders issued by an Administrative Law Judge to only become a final order by vote of the Board; clarify that the written recommendation and summary of a case provided to the Board can be in the form of a proposed order; and clarify that any agreed settlement or consent order must be approved by the Board.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 858-627, 1000.4, 1000.5, 1002, 1032, 1681, 1850.3, 1151.2a, and 1151.4

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2018, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 17, 2018, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Constructions Industries Board, within the comment period set forth and described above, in dollar amounts if possible,

the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2018, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2017, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Kim Stell, Business Program Officer/Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 17, 2018, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 17, 2018, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 21, 2018, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #17-784; filed 11-21-17]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 10. FINE SCHEDULE

[OAR Docket #17-785]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administrative Fine Schedule

158:10-3-1 [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

The proposed amendments do not add or change any fees. The proposed amendment clarifies the description of the violation related to contracting without being properly licensed, registered or endorsed.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 858-627, 1000.4, 1000.5, 1002, 1032, 1681, 1850.3, 1151.2a, and 1151.4

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2018, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 17, 2018, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2018, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2017, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Kim Stell, Business Program Officer/Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 17, 2018, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 17, 2018, at that

monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 21, 2018, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #17-785; filed 11-21-17]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD

CHAPTER 30. PLUMBING INDUSTRY REGULATIONS

[OAR Docket #17-786]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:30-1-3 [AMENDED]

Subchapter 3. Procedures of the Committee and Hearing Board

158:30-3-1 [AMENDED]

Subchapter 5. License Types, Bond Requirements, and Display of License Number and Firm Name

158:30-5-1 [AMENDED]

158:30-5-2 [AMENDED]

Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses

158:30-9-1 [AMENDED]

SUMMARY:

The proposed amendment to 158:30-1-3 clarifies that the section applies to registered apprentices as well as to licensed journeymen and contractors. The proposed amendment to 158:30-3-1 is for the purpose of clarifying that the public can communicate with the Committee through the Construction Industries Board. The proposed amendments to 158:30-5-1 clarify the period of time an apprentice registration is effective, and clarify an application fee is not required for a timely filed apprentice re-registration. The proposed amendments to 158:30-5-2 remove outdated, obsolete verbiage, and require that plumbing contractors add the Construction Industries Board ("CIB") to the certificate of liability insurance as a certificate holder, not as an additional insured and with no additional cost, to ensure the CIB is notified if the liability policy is cancelled or expires for non-payment of premiums. The proposed amendments to 158:30-9-1 clarify the experience requirement for a journeyman and contractor license; clarify education that may be substituted for a portion of the experience requirement; and identify documentation required to demonstrate completion of education that may be substituted for experience.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4(A)(1), 1000.5, and 1002

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2018, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 17, 2018, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2018, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2017, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Kim Stell, Business Program Officer/Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 17, 2018, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 17, 2018, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 21, 2018, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make

comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #17-786; filed 11-21-17]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 40. ELECTRICAL INDUSTRY REGULATIONS**

[OAR Docket #17-787]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
158:40-1-3 [AMENDED]
- Subchapter 5. Licensing Requirements, Display of License, and Firm Name, and Bond Requirements
158:40-5-1 [AMENDED]
158:40-5-2 [AMENDED]
158:40-5-5 [AMENDED]
- Subchapter 7. License Classifications
158:40-7-7 [AMENDED]
- Subchapter 11. License Revocation or Suspension and Prohibited Acts
158:40-11-2 [AMENDED]

SUMMARY:

The proposed amendment to 158:40-1-3 is to clarify that the section applies to registered apprentices as well as to licensed journeymen and contractors. The proposed amendments to 158:40-5-1 clarify the period of time for which an apprentice registration is effective; clarify an application fee is not required for a timely filed apprentice re-registration; and to clarify restricted actions for registered apprentices convicted of certain crimes. The proposed amendments to 158:40-5-2 clarify restricted actions for journeymen. The proposed amendments to 158:40-5-5 require that electrical contractors add the Construction Industries Board ("CIB") to the certificate of liability insurance as a certificate holder, not as an additional insured and with no additional cost, to ensure that the CIB is notified if the liability policy is cancelled or expires for non-payment of premiums. The proposed amendments to 158:40-7-7 clarify requirements related to workers' compensation coverage. The proposed amendments to 158:40-11-2 clarify that the prohibited acts listed in (a) of the Section apply to all individuals.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4(A)(1), 1000.5, and 1681

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2018, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During

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the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 17, 2018, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2018, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2017, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Kim Stell, Business Program Officer/Assistant,
405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 17, 2018, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 17, 2018, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 21, 2018, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #17-787; filed 11-21-17]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS

[OAR Docket #17-789]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

158:50-1-2 [AMENDED]

158:50-1-3 [AMENDED]

Subchapter 5. License Types, Limitations of Licenses, Contractor Special Requirements and Display of License Number and Firm Name

158:50-5-1 [AMENDED]

158:50-5-2 [AMENDED]

158:50-5-3 [AMENDED]

Subchapter 9. Qualifications for Mechanical Licensure, License and Registration Fees, Duration of License, Mechanical License Application, and Apprentice Registration

158:50-9-1 [AMENDED]

158:50-9-5 [AMENDED]

Subchapter 11. License Revocation or Suspension and Prohibited Acts

158:50-11-2 [AMENDED]

158:50-11-3 [AMENDED]

SUMMARY:

The amendments to 158:50-1-2 clarify that a contractor or journeyman providing direct supervision must be licensed in the category for which he or she is providing supervision, add definitions for the new categories "endorsed apprentice" and "limited residential installer," and reduces the restrictions for work to be performed by a limited residential journeyman. The proposed amendment to 158:50-1-3 is to clarify that the section applies to registered apprentices as well as to licensed journeymen and contractors. The proposed amendments to 158:50-5-1 add limited residential installer as a license category and clarify that a limited residential license can only be issued to a journeyman. The amendments to 158:50-5-2 clarify mechanical services that can be provided with a limited and unlimited mechanical HVAC license, reduces restrictions for work to be performed by a limited residential journeyman, and set out the limitations for the proposed new license category of limited residential installer allowing one to obtain the installer category in a shorter period of time than the journeyman license. The amendments to 158:50-5-3 require that mechanical contractors add the Construction Industries Board ("CIB") to the certificate of liability insurance as a certificate holder, not as an additional insured and with no additional cost, to ensure that the CIB is notified if the liability policy is cancelled or expires for non-payment of premiums. The proposed amendments to 158:50-9-1 clarify the experience requirement for a journeyman and contractor

license; clarify education that may be substituted for a portion of the experience requirement; and identify documentation required to demonstrate completion of education that may be substituted for experience. The amendments to 158:50-9-5 correct a citation; clarify an application fee is not required for a timely filed apprentice re-registration; clarify the requirement for direct supervision of apprentices; and set out requirements for an apprentice to be able to sit for the journeyman examination after education without first having to wait to complete the experience requirement, upon passing the examination being registered as an "endorsed apprentice" working as an apprentice, and upon completing the experience requirement obtain a journeyman license without further journeyman examination. The amendments to 158:50-11-2 clarify prohibited acts listed in (a) of the Section that apply to all individuals and those that apply to licensees and registrants. The amendments to 158:50-11-3 clarify that certain actions could be justification for suspending or revoking a licensee's license or an apprentice's registration.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4, 1000.5, and 1850.3

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2018, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 17, 2018, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Constructions Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2018, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2017, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Kim Stell, Business Program Officer/Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 17, 2018, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 17, 2018, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 21, 2018, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #17-789; filed 11-21-17]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 60. INSPECTORS REGULATIONS**

[OAR Docket #17-790]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 1. General Provisions
 - 158:60-1-2 [AMENDED]
- Subchapter 3. Procedures of the Committee [NEW]
 - 158:60-3-1 [NEW]
- Subchapter 5. Categories and Classifications of Inspector Licenses, Qualifications for Inspector Licensure, License Requirements for Inspectors, Fees, Certification and Continuing Education for Inspectors, and Continuing Education Courses
 - 158:60-5-1 [AMENDED]
 - 158:60-5-2 [AMENDED]
 - 158:60-5-3 [AMENDED]
 - 158:60-5-3.1 [NEW]
 - 158:60-5-4 [AMENDED]
- Subchapter 9. Duration of Licenses [NEW]
 - 158:60-9-3 [NEW]

Notices of Rulemaking Intent

SUMMARY:

Most of the proposed amendments to OAC 158:60, and the new section 158:60-5-3.1, are for the purpose of administering the provisions of the Oklahoma Inspectors Act as amended by House Bill 1283 which became effective November 1, 2017. The amendment to the definition of "certification" in 158:60-1-2 is for the purpose of clarifying the exam requirement for issuance of a license. The new Subchapter 3 is for the purpose of establishing procedures of the Oklahoma Inspector Examiners Committee. The amendments to 158:60-5-4 clarify that the fee for an Inspector license is the same regardless of the number of categories in which the applicant is licensed. The new Subchapter 9 is for the purpose of identifying the duration of a license and the procedures for renewing or reinstating a license.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 1000.4, 1000.5, and 1032.

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2018, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 17, 2018, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Constructions Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2018, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29,

2017, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Kim Stell, Business Program Officer/Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 17, 2018, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 17, 2018, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 21, 2018, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #17-790; filed 11-21-17]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD

CHAPTER 70. HOME INSPECTION INDUSTRY REGULATIONS

[OAR Docket #17-791]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. License Requirements, License Fees, License Period, Re-Examination, Display and Insurance 158:70-5-2 [AMENDED]

Subchapter 9. Examination Applications, Examinations, Course Approval Requirements, Instructor Requirements, Continuing Education, Denied Application Appeal, Submission of Records, Substantial Compliance and Reciprocity 158:70-9-5 [AMENDED]

SUMMARY:

The amendments to 158:70-5-2 require that home inspectors add the Construction Industries Board ("CIB") to the certificate of liability insurance as a certificate holder, not as an additional insured and with no additional cost, to ensure that the CIB is notified if the liability policy is cancelled or expires for non-payment of premiums. The amendment to 158:70-9-5 is to clarify that the provision applies to continuing education courses and not to home inspection training.

AUTHORITY:

Construction Industries Board; 59 O.S. §§ 858-627, 1000.4, and 1000.5

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2018, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401

NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 17, 2018, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2018, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2017, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Kim Stell, Business Program Officer/Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 17, 2018, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 17, 2018, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday, February 21, 2018, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #17-791; filed 11-21-17]

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 85. ROOFING CONTRACTOR REGISTRATION REGULATIONS**

[OAR Docket #17-792]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
158:85-1-2 [AMENDED]
- Subchapter 2. Registration and Endorsement Application and Renewal Requirements, Procedures, Fees, Duration, Military and Reciprocity
158:85-2-1 [AMENDED]
158:85-2-2 [AMENDED]
- Subchapter 5. Registration and Endorsement Requirements and Limitations, Display of Registration Number, Endorsement, Firm Name and Contact Information, Exclusions
158:85-5-1 [AMENDED]
158:85-5-3 [AMENDED]
- Subchapter 11. Registration and Endorsement Revocation or Suspension and Prohibited Acts
158:85-11-1 [AMENDED]
158:85-11-2 [AMENDED]

SUMMARY:

Many of the proposed amendments to OAC 158:85 are for the purpose of administration of the provisions of the Roofing Contractor Registration Act in accordance with Oklahoma Attorney General Opinion 2017 OK AG 9. The proposed amendments to 158:85-1-2 add definitions for "contract laborer," "direct supervision," and "employee," and clarify sufficient evidence of the existence of a contract. The amendments to 158:85-2-1 clarify that it is required to add the Construction Industries Board as a certificate holder on liability and workers' compensation coverage, not as an additional insured, which should be at no additional cost; clarifies requirements related to workers' compensation coverage; and clarifies the consequences with regard to failure to provide proof of current insurance or workers' compensation coverage. The amendment to 158:85-2-2 requires commercial roofing contractors to add the Construction Industries Board as a certificate holder but not as an additional insured and with no additional cost. The amendments to 158:85-5-1 clarifies that a valid and current registration is required for a subcontractor providing direct supervision for roofing contractor work. The amendments to 158:85-5-3 further clarify the requirement for the Construction Industries Board to be added as a certificate holder, and requires roofing contractors to utilize a valid written contract when engaging in the business of roofing contractor work. The amendments to 158:85-11-1 requires registered roofing contractors to report changes in address, business relationship, structure or affiliation to the Construction Industries Board. The

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amendments to 158:85-11-2 corrects citations and clarifies that the prohibited acts listed in (a) of the Section apply to all persons.

AUTHORITY:

Construction Industries Board; 1000.4, 1000.5, 1151.2a, and 1151.4

COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 16, 2018, at the following address: Construction Industries Board, ATTN: Administrative Rules Division, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 17, 2018, at the monthly meeting of the Construction Industries Board which will be held in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m. See "Additional Information" section below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to the Administrative Rules Division through the close of the comment period on January 16, 2018, at the address shown below for obtaining copies of the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at www.cib.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 29, 2017, at the address listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Kim Stell, Business Program Officer/Assistant, 405-521-6550

ADDITIONAL INFORMATION:

If the monthly meeting of the Construction Industries Board scheduled for Wednesday, January 17, 2018, cannot be held due to inclement weather or lack of a quorum, the Public Hearing that would have occurred January 17, 2018, at that monthly meeting of the Construction Industries Board will be held instead at the monthly meeting scheduled for Wednesday,

February 21, 2018, at 1:30 p.m., in the Construction Industries Board Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:30 p.m.

[OAR Docket #17-792; filed 11-21-17]

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

[OAR Docket #17-828]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Educator Preparation Program Accreditation
218:10-5-3 [AMENDED]

Subchapter 7. Educator Assessment
218:10-7-1 [AMENDED]

Appendix A. [REVOKED]

Appendix A. [NEW]

SUMMARY:

The proposed Educator Preparation Program Accreditation amendments reflect changes in state standards and policies for program accreditation to align with national accreditation. Proposed Educator Assessment amendments reflect options for the assessment of educator professional knowledge and skills. Proposed amendments to Appendix A reflect changes in test codes as a result of test redevelopments.

AUTHORITY:

Office of Educational Quality and Accountability; 70 O.S. Supp. 1998, §6-180 et seq.; Oklahoma Teacher Preparation Act

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 16, 2018 at the following address: Office for Educational Quality and Accountability, 840 Research Parkway, Suite 455, Oklahoma City, OK 73104.

PUBLIC HEARING:

A public hearing will be held from 9:00 a.m. to 10:00 a.m. on Tuesday, January 16, 2018 in the 4th floor Board Room, 840 Research Parkway, Oklahoma City, 73104.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency within the comment period, 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 Renee Launey-Rodolf, at the above address, before the close of the comment period.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Office of Educational Quality and Accountability, 840 Research Parkway, Suite 455, Oklahoma City, OK 73104.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303 (D), a rule impact statement will be prepared and may be obtained from the Office of Educational Quality and Accountability at the above address beginning on December 30, 2017.

CONTACT PERSON:

Renee Launey-Rodolf, Director, 405-522-5399

[OAR Docket #17-828; filed 11-22-17]

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES
CHAPTER 5. COUNTY COMMUNITY SAFETY INVESTMENT FUND PROCEDURES**

[OAR Docket #17-818]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. County Community Safety Investment Fund Procedures [NEW]
- 260:5-1-1. Purpose [NEW]
- 260:5-1-3. Calculations [NEW]
- 260:5-1-5. Funding [NEW]
- 260:5-1-7. Disbursement of Funds [NEW]
- 260:5-1-9. Oversight of Funds [NEW]

SUMMARY:

The purpose of this proposed rulemaking action is to adopt rules to implement legislation and improve agencies efficiencies and costs.

AUTHORITY:

57 O.S. §631, 57 O.S. §632, 57 O.S. §633; the Director of the Office of Management and Enterprise Services

COMMENT PERIOD:

Persons may submit written and oral comments to Tim Tuck at Tim.Tuck@omes.ok.gov during the period from December 16, 2017 through January 17, 2018.

PUBLIC HEARING:

A public hearing has been scheduled for 1:30 p.m. to 2:30 p.m. on January 16, 2018 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd (Will Rogers Building) Conference Room 216, Oklahoma City, OK

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose cost on business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to Tim.Tuck@omes.ok.gov.

RULE IMPACT STATEMENT:

As required by 75 O.S. §303 (D), a rule impact statement will be available beginning December 29, 2017.

CONTACT PERSON:

Tim Tuck, (405) 521-2403 or Tim.Tuck@omes.ok.gov

[OAR Docket #17-818; filed 11-21-17]

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES
CHAPTER 45. EMPLOYEES GROUP INSURANCE DEPARTMENT DIVISION - ADMINISTRATIVE AND GENERAL PROVISIONS**

[OAR Docket #17-815]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 45. Employees Group Insurance ~~Department~~ Division - Administrative And General Provisions [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Employees Group Insurance Division. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency, responsiveness, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

AUTHORITY:

74 O.S. Section 1304.1; Office of Management and Enterprise Services Employees Group Insurance Department; 62 O.S. §34.6(8); the Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Written comments may be made from this date until January 18, 2018. Comments should be filed in the office of Scott D. Boughton, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 600, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

9:00 am, January 18, 2018, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Scott D. Boughton, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division

Notices of Rulemaking Intent

3545 NW 58th Street, Suite 600
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Scott D. Boughton of the Office of Management and Enterprise Services Employees Group Insurance Division.

CONTACT PERSON:

Scott D. Boughton, Deputy General Counsel, (405) 717-8957

[OAR Docket #17-815; filed 11-21-17]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 50. EMPLOYEES GROUP INSURANCE ~~DEPARTMENT~~DIVISION - HEALTH, DENTAL, VISION AND LIFE PLANS

[OAR Docket #17-816]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 50. Employees Group Insurance
~~Department~~Division - Health, Dental, Vision and Life
Plans [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Employees Group Insurance Division. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency, responsiveness, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

AUTHORITY:

74 O.S. Section 1304.1; Office of Management and Enterprise Services Employees Group Insurance Department; 62 O.S. §34.6(8); the Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Written comments may be made from this date until January 18, 2018. Comments should be filed in the office of Scott D. Boughton, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 600, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

9:00 am, January 18, 2018, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Scott D. Boughton, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division
3545 NW 58th Street, Suite 600
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Scott D. Boughton of the Office of Management and Enterprise Services Employees Group Insurance Division.

CONTACT PERSON:

Scott D. Boughton, Deputy General Counsel, (405) 717-8957

[OAR Docket #17-816; filed 11-21-17]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 55. EMPLOYEES GROUP INSURANCE ~~DEPARTMENT~~DIVISION - THE DISABILITY PLAN

[OAR Docket #17-817]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 55. Employees Group Insurance
~~Department~~Division - The Disability Plan [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Employees Group Insurance Division. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency, responsiveness, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

AUTHORITY:

74 O.S. Section 1304.1; Office of Management and Enterprise Services Employees Group Insurance Department; 62 O.S. §34.6(8); the Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Written comments may be made from this date until January 18, 2018. Comments should be filed in the office of Scott D. Boughton, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 600, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

9:00 am, January 18, 2018, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees

Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Scott D. Boughton, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division
3545 NW 58th Street, Suite 600
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Scott D. Boughton of the Office of Management and Enterprise Services Employees Group Insurance Division.

CONTACT PERSON:

Scott D. Boughton, Deputy General Counsel, (405) 717-8957

[OAR Docket #17-817; filed 11-21-17]

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES
CHAPTER 75. FLEET MANAGEMENT DEPARTMENT**

[OAR Docket #17-821]

RULEMAKING ACTION:

Notice of proposed permanent rulemaking.

PROPOSED RULES:

Chapter 75. Fleet Management Department [AMENDED]

SUMMARY:

The purpose of this proposed rulemaking action is to establish standards for the uniform marking of state-owned or leased vehicles in accordance with law, remove redundant language, correct scrivener's errors, and increase clarity.

AUTHORITY:

74 O.S. §78; Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Persons may submit written comments to Kimberlee Williams at Kimberlee.Williams@omes.ok.gov during the period from December 15, 2017 through January 19, 2018.

PUBLIC HEARING:

A public hearing has been scheduled for 2:00 p.m., January 18, 2018 at the Office of Management and Enterprise Services, Capital Assets Management, 2401 N. Lincoln Blvd (Will Rogers Building), Conference Room 216, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose costs on business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to Kimberlee.Williams@omes.ok.gov. The proposed rules will also be published on the Office of Management and Enterprise Services website at <http://www.ok.gov/osf>.

RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning December 29, 2017.

CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or Kimberlee.Williams@omes.ok.gov.

[OAR Docket #17-821; filed 11-21-17]

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES
CHAPTER 95. REAL ESTATE AND LEASING AND SPACE STANDARDS**

[OAR Docket #17-822]

RULEMAKING ACTION:

Notice of proposed permanent rulemaking.

PROPOSED RULES:

Chapter 95. ~~Real Estate and Leasing and Space Standards~~
[AMENDED]

SUMMARY:

The purpose of this proposed rulemaking action is to promulgate rules for the disposal of state-owned real property.

AUTHORITY:

61 O.S. §327.1(H); Director of the Office of Management and Enterprise Services.

COMMENT PERIOD:

Persons may submit written comments to Kimberlee Williams at Kimberlee.Williams@omes.ok.gov during the period from December 15, 2017 through January 19, 2018.

PUBLIC HEARING:

A public hearing has been scheduled for 10:00 a.m., January 18, 2018 at the Office of Management and Enterprise Services, Capital Assets Management, 2401 N. Lincoln Blvd (Will Rogers Building), Conference Room 214, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose costs on business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to Kimberlee.Williams@omes.ok.gov. The proposed rules will also be published on the Office of Management and Enterprise Services website at <http://www.ok.gov/osf>.

RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning December 29, 2017.

Notices of Rulemaking Intent

CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or
Kimberlee.Williams@omes.ok.gov.

[OAR Docket #17-822; filed 11-21-17]

**TITLE 260. OFFICE OF MANAGEMENT
AND ENTERPRISE SERVICES
CHAPTER 115. PROCUREMENT**

[OAR Docket #17-819]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Procurement
Part 7. Additional Procurement Information
260:115-7-46. State Travel [AMENDED]

SUMMARY:

The purpose of this proposed rulemaking action is to adopt rules to adopt changes to the title of State Agency Travel coordinator to arranger and other scrivener updates.

AUTHORITY:

74 O.S. §500.1, 74 O.S. §85.1, 74 O.S. §85.4(k), 62 O.S. §34.6(8); the Director of the Office of Management and Enterprise Services

COMMENT PERIOD:

Persons may submit written and oral comments to Tim Tuck at Tim.Tuck@omes.ok.gov during the period from December 16, 2017 through January 17, 2018.

PUBLIC HEARING:

A public hearing has been scheduled for 12:00 p.m. to 1:00 p.m. January 16, 2018 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd (Will Rogers Building) Conference Room 216, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose cost on business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to Tim.Tuck@omes.ok.gov.

RULE IMPACT STATEMENT:

As required by 75 O.S. §303 (D), a rule impact statement will be available beginning December 29, 2017.

CONTACT PERSON:

Tim Tuck, (405) 521-2403 or Tim.Tuck@omes.ok.gov.

[OAR Docket #17-819; filed 11-21-17]

**TITLE 260. OFFICE OF MANAGEMENT
AND ENTERPRISE SERVICES
CHAPTER 115. PROCUREMENT**

[OAR Docket #17-820]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Disabled Veteran Business Enterprise Act
[NEW]
260:115-13-1. Awarding contracts [NEW]

SUMMARY:

The purpose of this proposed rulemaking action is to add rules to implement legislation and improve agencies efficiencies and costs.

AUTHORITY:

74 O.S. §85.44(E); the Director of the Office of Management and Enterprise Services

COMMENT PERIOD:

Persons may submit written and oral comments to Tim Tuck at Tim.Tuck@omes.ok.gov during the period from December 16, 2017 through January 17, 2018.

PUBLIC HEARING:

A public hearing has been scheduled for 3:00 p.m. to 4:00 p.m. on January 16, 2018 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd (Will Rogers Building) Conference Room 216, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose cost on business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to Tim.Tuck@omes.ok.gov.

RULE IMPACT STATEMENT:

As required by 75 O.S. §303 (D), a rule impact statement will be available beginning December 29, 2017.

CONTACT PERSON:

Tim Tuck, (405) 521-2403 or Tim.Tuck@omes.ok.gov.

[OAR Docket #17-820; filed 11-21-17]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE
FOR SERVICE**

[OAR Docket #17-795]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 110. Indian Health Services, Tribal Programs, and
Urban Indian Clinics (I/T/US)

317:30-5-1096 [AMENDED]
(Reference APA WF # 17-03)

SUMMARY:

The proposed revisions will allow Indian Health Services, Tribal Program and Urban Indian Clinics, who are designated as Federally Qualified Health Centers, to be reimbursed at the Office of Management and Budget rate for services provided outside of the four walls of their facilities. These changes are necessary to comply with federal regulations. We request that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR PART 136; 42 CFR 440.90; P.L. 93-638

COMMENT PERIOD:

Persons may submit written comments through January 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 16, 2018 at 1:00 p.m. and Tuesday, February 20, 2018 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, 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 the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 16, 2018.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 15, 2017.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #17-795; filed 11-21-17]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #17-796]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 113. Living Choice Program
317:30-5-1207 [NEW]

(Reference APA WF # 17-04A)

SUMMARY:

The proposed revisions will add a fourth population in the Money Follows the Person (MFP) demonstration. The proposed revisions will transition eligible individuals from Psychiatric Residential Treatment Facilities (PRTF) back into the community and provide intensive in-home support to ensure that the individuals are successful in their communities, thereby reducing the amount of PRTF readmissions. The transition will focus on youth 16 to 18 years of age who have been in an inpatient psychiatric residential facility for 90 or more days during an episode of care. The individuals must meet criteria for Level 3 on the Individual Client Assessment Record or meet the criteria of Serious Emotional Disturbance. They may also show critical impairment on a caregiver rated Ohio Scales (score of 25 and above on the Problems Subscale, or a score of 44 and below on the Functioning Subscales). Additionally, the individuals will be eligible for transitional Health Home services under Oklahoma's Living Choice program. Services will be provided in accordance with an individualized plan of care under the direction of appropriate service providers. We request that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 USC § 18001

COMMENT PERIOD:

Persons may submit written comments through January 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be

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allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 16, 2018 at 1:00 p.m. and Tuesday, February 20, 2018 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, 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 the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 16, 2018.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 15, 2017.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #17-796; filed 11-21-17]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #17-798]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies

Part 1. General Scope and Administration

317:30-3-4.1 [AMENDED]

317:30-3-30 [AMENDED]

(Reference APA WF # 17-13)

SUMMARY:

The proposed revisions will clarify that the authentication of medical records is expected on the day the record is completed.

Additionally, revisions will describe that the signature of the rendering provider and date entry is expected within three business days from the day the record is completed if the record is being transcribed. We request that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 16, 2018 at 1:00 p.m. and Tuesday, February 20, 2018 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, 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 the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 16, 2018.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 15, 2017.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #17-798; filed 11-21-17]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #17-799]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 110. Indian Health Services, Tribal Programs, and
Urban Indian Clinics (I/T/US)

317:30-5-1094 [AMENDED]

(Reference APA WF # 17-17)

SUMMARY:

The proposed Indian Health Services, Tribal Program and Urban Indian Clinics (I/T/U) policy will remove the restriction to billing with a Current Procedural Terminology (CPT) procedure code for outpatient behavioral health encounters. Revisions will clarify that when billing for an outpatient behavioral health encounter, services must be billed on an appropriate claim form using the appropriate procedure code and guidelines.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, January 16, 2018 at 1:00 p.m. and Tuesday, February 20, 2018 at 1:00 p.m., both hearings will be held in the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, 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 the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 16, 2018.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 15, 2017.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #17-799; filed 11-21-17]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #17-803]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 95. Agency Personal Care Services

317:30-5-950 [AMENDED]

317:30-5-953 [AMENDED]

(Reference APA WF # 17-24A)

SUMMARY:

The proposed revisions to the ADvantage Waiver will include updates to outdated policy in order to align with current business practices. In addition, proposed revisions will add new language regarding the Ethics of Care Committee for the ADvantage and State Plan Personal Care program, which outlines rules and processes. Finally, proposed revisions will clarify that rules are in accordance with state laws and regulations.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 430 and 431

COMMENT PERIOD:

Persons may submit written comments through January 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of two minutes to speak and must sign in at the door. Public hearings will be held as follows:

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Notices of Rulemaking Intent

the Charles Ed McFall Board Room at the Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, 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 the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 16, 2018.

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RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 15, 2017.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #17-803; filed 11-21-17]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

[OAR Docket #17-805]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 51. Habilitation Services
317:30-5-482 [AMENDED]
(Reference APA WF # 17-25A)

SUMMARY:

The proposed revisions will remove outdated policy in order to better align with current business practices. Further revisions to the Home and Community-Based waiver will affirm a member's rights to have visitors of his/her choosing. Revisions will also remove treatment extensions for Habilitation Services authorized by Developmental Disabilities Services area managers. In addition, revisions will allow eligible members, 16 years of age and older, to access waiver employment services through the Home and Community-Based Services waiver.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 441.301

COMMENT PERIOD:

Persons may submit written comments through January 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

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RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 15, 2017.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #17-805; filed 11-21-17]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

[OAR Docket #17-793]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income
Part 5. Countable Income and Resources
317:35-5-41.6 [AMENDED]
(Reference APA WF # 17-01)

SUMMARY:

The proposed eligibility revisions add language in accordance with federal regulation, which gives mentally competent disabled individuals the same right to create an exempt trust as a parent, grandparent, guardian, or court. The regulation will apply to trusts established on or after December 13, 2016. Other requirements of these types of trusts, which are exempt from Medicaid resource limits, remain unchanged. We request that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; H.R. 34, Section 5007; Section 1917(d)(4)(A) of the Social Security Act; 42 U.S.C. 1396p(d)(4)(A)

COMMENT PERIOD:

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COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 15, 2017.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #17-793; filed 11-21-17]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

[OAR Docket #17-797]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 23. Living Choice Program
317:35-23-2 [AMENDED]
317:35-23-3 [AMENDED]
(Reference APA WF # 17-04B)

SUMMARY:

The proposed revisions will add a fourth population in the Money Follows the Person (MFP) demonstration. The proposed revisions will transition eligible individuals from Psychiatric Residential Treatment Facilities (PRTF) back into the community and provide intensive in-home support in order to ensure that the individuals are successful in their communities, thereby reducing the amount of PRTF readmissions. The transition will focus on youth 16 to 18 years of age who have been in an inpatient psychiatric residential facility for 90 or more days during an episode of care. The individuals must meet criteria for Level 3 on the Individual Client Assessment Record or meet the criteria of Serious Emotional Disturbance. They may also show critical impairment on a caregiver rated Ohio Scales (score of 25 and above on the Problems Subscale, or a score of 44 and below on the Functioning Subscales). Additionally, the individuals will be eligible for transitional Health Home services under Oklahoma's Living Choice program. Services will be provided in accordance with an individualized plan of care under the direction of appropriate service providers. Finally, revisions replace the term Intermediate Care Facility for Mentally Retarded with Intermediate Care Facility for Individuals with Intellectual Disabilities. We request that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 USC § 18001

Notices of Rulemaking Intent

COMMENT PERIOD:

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PUBLIC HEARING:

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REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OHCA requests that business entities affected by these proposed rules provide the OHCA, 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 the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 16, 2018.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 15, 2017.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #17-797; filed 11-21-17]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

[OAR Docket #17-800]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income
Part 1. Determination of Qualifying Categorical Relationships
317:35-5-2 [AMENDED]
317:35-5-7 [AMENDED]

Part 7. Application and Eligibility Determination Procedures

317:35-5-63 [AMENDED]

Subchapter 6. Soonercare for Pregnant Women and Families with Children

Part 1. General

317:35-6-1 [AMENDED]

(Reference APA WF # 17-20)

SUMMARY:

The proposed revisions amend Qualifying Categorical Relationship policy by removing the subsection "Grandfathered CHIP children". The current rule identifies that this eligibility group terminated December 31, 2015 necessitating the removal of this subsection from policy to eliminate any confusion.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board

COMMENT PERIOD:

Persons may submit written comments through January 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

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COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 15, 2017.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy,
405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #17-800; filed 11-21-17]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 35. MEDICAL ASSISTANCE FOR
ADULTS AND CHILDREN-ELIGIBILITY**

[OAR Docket #17-802]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 21. Oklahoma Cares Breast and Cervical
Cancer Treatment Program

317:35-21-1 [AMENDED]

317:35-21-3 [AMENDED]

317:35-21-4 [AMENDED]

317:35-21-5 [AMENDED]

317:35-21-6 [AMENDED]

317:35-21-8 [AMENDED]

317:35-21-9 [AMENDED]

317:35-21-11 [AMENDED]

317:35-21-12 [AMENDED]

317:35-21-13 [AMENDED]

317:35-21-14 [AMENDED]

(Reference APA WF # 17-23)

SUMMARY:

The proposed Breast and Cervical Cancer (BCC) Benefit policy is amended to comply with federal regulation, which addresses optional eligibility for individuals needing treatment for breast and cervical cancer. In order to align revisions with federal regulation requirements, the references to "women" will be replaced with the terms that are inclusive of both males and females for eligibility purposes. Revisions also include removal of old references to the Oklahoma Department of Human Services (OKDHS) and outdated language regarding creditable coverage in order to reflect current business practices. In addition, the proposed revisions replace the term "OKDHS worker" with the term "eligibility coordinator".

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 435.213

COMMENT PERIOD:

Persons may submit written comments through January 16, 2018 to Tywanda Cox, Oklahoma Health Care Authority, 4345 N. Lincoln Blvd., Oklahoma City, Oklahoma, 73105, or by email to Tywanda.Cox@okhca.org.

PUBLIC HEARING:

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The OHCA requests that business entities affected by these proposed rules provide the OHCA, 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 the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above addresses, before the close of the comment period on January 16, 2018.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at www.okhca.org and copies may be obtained by written request emailed to Tywanda.Cox@okhca.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the OHCA at the above address beginning December 15, 2017.

CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy,
405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #17-802; filed 11-21-17]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 35. MEDICAL ASSISTANCE FOR
ADULTS AND CHILDREN-ELIGIBILITY**

[OAR Docket #17-804]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 17. ADvantage Waiver Services

317:35-17-16 [AMENDED]

317:35-17-19 [AMENDED]

317:35-17-26 [NEW]

(Reference APA WF # 17-24B)

SUMMARY:

The proposed revisions to the ADvantage Waiver will include updates to outdated policy in order to align with current business practices. In addition, proposed revisions will add new language regarding the Ethics of Care Committee for the ADvantage and State Plan Personal Care program, which outlines rules and processes. Finally, proposed revisions

Notices of Rulemaking Intent

will clarify that rules are in accordance with state laws and regulations.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; Director of Human Services; 42 CFR 430 and 431

COMMENT PERIOD:

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RULE IMPACT STATEMENT:

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CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #17-804; filed 11-21-17]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 40. DEVELOPMENTAL DISABILITIES SERVICES

[OAR Docket #17-806]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

317:40-1-3 [AMENDED]

Subchapter 7. Employment Services Through Home and Community-Based Services Waivers

317:40-7-3 [AMENDED]

317:40-7-4 [AMENDED]

(Reference APA WF # 17-25B)

SUMMARY:

The proposed revisions will remove outdated policy in order to better align with current business practices. Further revisions to the Home and Community-Based waiver will affirm a member's rights to have visitors of his/her choosing. Revisions will also remove treatment extensions for Habilitation Services authorized by Developmental Disabilities Services area managers. In addition, revisions will allow eligible members, 16 years of age and older, to access waiver employment services through the Home and Community-Based Services waiver.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 441.301

COMMENT PERIOD:

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RULE IMPACT STATEMENT:

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CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #17-806; filed 11-21-17]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 45. INSURE OKLAHOMA**

[OAR Docket #17-794]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Insure Oklahoma IP
Part 5. Insure Oklahoma IP Member Eligibility
317:45-11-20 [AMENDED]

(Reference APA WF # 17-02)

SUMMARY:

The proposed revisions to the Insure Oklahoma Individual Plan policy strengthen program integrity. Revisions make it incumbent upon the self-employed applicant to verify self-employment by completing and submitting certain documentation. Revisions help ensure that self-employed applicants are engaged in routine, for-profit activity, in accordance with Internal Revenue Service guidelines. We request that this previously approved emergency rule be promulgated as a permanent rule.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 435.952; 42 CFR 435.948; 42 CFR 435.949; 42 CFR 435.960; 42 CFR 435.945

COMMENT PERIOD:

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RULE IMPACT STATEMENT:

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CONTACT PERSON:

Tywanda Cox, Chief of Federal & State Policy, 405-522-7153, Tywanda.Cox@okhca.org.

[OAR Docket #17-794; filed 11-21-17]

**TITLE 460. DEPARTMENT OF MINES
CHAPTER 1. OKLAHOMA MINING
COMMISSION**

[OAR Docket #17-829]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Subchapter 7. Oklahoma Miners Training Institute
460:1-7-1. Operational authority [AMENDED]

SUMMARY:

In 2013, the Oklahoma Department of Mines (ODM) proposed an amendment to add a Paragraph (5) to Subsection (c) of 460:1-17-1. Due to an electronic filing error, this amendment failed the April 1, 2013, filing deadline for legislative consideration and held over for consideration during the 2014 Legislative Session.

In 2014, ODM amended 460:1-7-1 again adding Subsection (d). This amendment did not include the held over 2013, Paragraph (5), amendment. Therefore, the 2016 Edition of the Oklahoma Administrative Code separately included both

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the 2013 and 2014 proposed amendments. Both published amendment included an EDITOR'S NOTE stating ODM promulgated two versions of 60:1-7-1 with the same effective date in 2014.

To rectify the duplication, this proposed permanent amendment removes the 2013 Paragraph (5) but includes the 2014 Subsection (d) addition. This amendment also remove the separation dashes in the word re-certification, adds the word of to 460:1-7-13 (B) and (C) and cleans up typing errors. The addition of Subsection (d) is to require that training done outside OMTI be reported to OMTI for each trainee, to report any other information required by the OMTI Director, and to give notice that it is unlawful for any instructor or student to falsify training records.

AUTHORITY:

45 O.S. Sections 1.5 et seq., Oklahoma Mining Commission

COMMENT PERIOD:

From December 15, 2017, through January 17, 2018, the public may present their views, either orally or in writing, to the below listed contact person.

PUBLIC HEARINGS:

Public hearings will be held on January 17, 2018, at ODM's Wagoner Field Office, 1102 W. Cherokee St., Suite D., Wagoner, OK, beginning at 6:00 p.m. and at the Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK beginning at 2:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed changes are requested to provide the agency with information, in the dollar amounts if possible, about the increases in the level of direct costs or indirect costs, or other costs expected to be occurred by that business entity due to compliance with these proposed changes. Business entities may submit this information in writing from December 15, 2017 through January 17, 2018, to the below listed contact person.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person after December 15, 2017.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the below listed contact person after January 2, 2018.

CONTACT PERSON:

Cathy Frank, Legal Officer, Oklahoma Department of Mines, Wagoner Field Office, 1102 W. Cherokee St., Suite D, Wagoner, OK 74467, (918) 485-3999, Cathy.Frank@mines.ok.gov.

[OAR Docket #17-829; filed 11-22-17]

TITLE 460. DEPARTMENT OF MINES CHAPTER 15. UNDERGROUND COAL AND ASPHALT

[OAR Docket #17-830]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Subchapter 1. General Standards

460:15-1-10. Certificates of Competency [AMENDED]

SUMMARY:

On June 15, 2017, The Oklahoma Department of Mines (ODM) by emergency action, adopted an amendment to 460:15-1-10. The emergency rule was filed with the Governor's office and approval notification was received from Governor Fallin on July 28, 2017. ODM is proposing permanent adoption of the approved emergency rule. Oklahoma's underground coal mining companies requested this amendment to help bring the Chapter 15 sight and sound methods up to modern standards. The amendment allows the continued implementation with monitoring under ODM supervision of modern technology infused sight and sound tracking and communication systems for satisfaction of Chapter 15 underground safety requirements. The current trial methods, such as two way communication systems and personnel location plans, are submitted to ODM for review and acceptance and then monitored under continued supervision.

AUTHORITY:

45 O.S. Sections 1.5 et seq.; Oklahoma Mining Commission

COMMENT PERIOD:

From December 15, 2017, through January 17, 2018, the public may present their views, either orally or in writing, to the below listed contact person.

PUBLIC HEARINGS:

Public hearings will be held on January 17, 2018, at ODM's Wagoner Field Office, 1102 W. Cherokee St., Suite D., Wagoner, OK, beginning at 6:30 p.m. and at the Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK beginning at 2:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed changes are requested to provide the agency with information, in the dollar amounts if possible, about the increases in the level of direct costs or indirect costs, or other costs expected to be occurred by that business entity due to compliance with these proposed changes. Business entities may submit this information in writing from December 15, 2017 through January 17, 2018, to the below listed contact person.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person after December 15, 2017.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the below listed contact person after January 2, 2018.

CONTACT PERSON:

Cathy Frank, Legal Officer, Oklahoma Department of Mines, Wagoner Field Office, 1102 W. Cherokee St., Suite D, Wagoner, OK 74467, (918) 485-3999, Cathy.Frank@mines.ok.gov.

[OAR Docket #17-830; filed 11-22-17]

**TITLE 460. DEPARTMENT OF MINES
CHAPTER 20. THE PERMANENT
REGULATIONS GOVERNING THE COAL
RECLAMATION ACT OF 1979**

[OAR Docket #17-831]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 27. Surface Mining Permit Applications:
Minimum Requirements for Reclamation and
Operations Plan

460:20-27-6. Operation plan: blasting [AMENDED]

SUMMARY:

On June 15, 2017, The Oklahoma Department of Mines (ODM), by emergency adoption, amended 460:20-27-6 to reflect statutory revisions to Title 45, Mines and Mining, enacted by the 2017 Legislature. ODM received approval notification of the emergency amendment signed by Governor Fallin on July 28, 2017. ODM is now proposing permanent ruling action on the emergency rule change.

The amendment adds to 460:20-26-6, subsection (d) Electronic blasting detonation. Subsection (d) defines and explains electronic blasting and its field application in blasting operations to ensure the safety of mining employees and the public. The amendment modernizes blasting on surface coal mining operations by allowing sleeping blast holes using electronic detonation and provides procedures to be followed during explosives use and the electric detonation.

AUTHORITY:

45 O.S. Sections 1.5 et seq.; Oklahoma Mining Commission

COMMENT PERIOD:

From December 15, 2017, through January 17, 2018, the public may present their views, either orally or in writing, to the below listed contact person.

PUBLIC HEARINGS:

Public hearings will be held on January 17, 2018, at the Wagoner Field Office, 1102 W. Cherokee St., Suite D., Wagoner, OK, beginning at 6:45 p.m., and at the Department of Mines, 2915 N. Classen Blvd., Suite 213, Oklahoma City, OK beginning at 2:45 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed changes are requested to provide the agency with information, in the dollar amounts if possible, about the increases in the level of direct costs or indirect costs, or other costs expected to be occurred by that business entity due to compliance with these proposed changes. Business entities may submit this information in writing from December 15, 2017 through January 17, 2018, to the below listed contact person.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained from the below listed contact person after December 15, 2017.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the below listed contact person after January 2, 2018.

CONTACT PERSON:

Cathy Frank, Legal Officer, Oklahoma Department of Mines, Wagoner Field Office, 1102 W. Cherokee St., Suite D, Wagoner, OK 74467, (918) 485-3999, Cathy.Frank@mines.ok.gov.

[OAR Docket #17-831; filed 11-22-17]

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 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 4. RULES OF PRACTICE AND PROCEDURE

[OAR Docket #17-807]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 7. Environmental Permit Process
Part 7. Water Quality Division Tiers and Timelines
252:4-7-79. Aquifer Storage and Recovery (ASR) applications - Tier I [NEW]
252:4-7-80. ASR applications - Tier II [NEW]
252:4-7-81. ASR applications - Tier III [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 16, 2017

[OAR Docket #17-807; filed 11-21-17]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 100. AIR POLLUTION CONTROL

[OAR Docket #17-808]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 2. Incorporation by Reference
252:100-2-3. [AMENDED]
Appendix Q. Incorporation by Reference [REVOKED]
Appendix Q. Incorporation by Reference [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 16, 2017

[OAR Docket #17-808; filed 11-21-17]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 100. AIR POLLUTION CONTROL

[OAR Docket #17-809]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 7. Permits for Minor Facilities
Part 1. General Provisions
252:100-7-1.1. [AMENDED]
252:100-7-2. [AMENDED]
Part 9. Permits by Rule
252:100-7-60.7. [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 16, 2017

[OAR Docket #17-809; filed 11-21-17]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 100. AIR POLLUTION CONTROL

[OAR Docket #17-810]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources
Part 7. Prevention of Significant Deterioration (PSD) Requirements For Attainment Areas
252:100-8-35. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 16, 2017

[OAR Docket #17-810; filed 11-21-17]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 205. HAZARDOUS WASTE MANAGEMENT

[OAR Docket #17-811]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Incorporation by Reference
252:205-3-1 [AMENDED]
252:205-3-2 [AMENDED]
252:205-3-4 [AMENDED]
Subchapter 13. Miscellaneous
252:205-13-1 [AMENDED]
Subchapter 15. Transfer Stations

Submissions to Governor and Legislature

252:205-15-2 [AMENDED]
Subchapter 17. Tax Credits
Part 1. Tax Credits
252:205-17-1 [REVOKED]
252:205-17-2 [REVOKED]
252:205-17-3 [REVOKED]
252:205-17-4 [REVOKED]
252:205-17-5 [REVOKED]
252:205-17-6 [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 16, 2017

[OAR Docket #17-811; filed 11-21-17]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 626. PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS

[OAR Docket #17-812]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Introduction
252:626-1-2 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 16, 2017

[OAR Docket #17-812; filed 11-21-17]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 631. PUBLIC WATER SUPPLY OPERATION

[OAR Docket #17-813]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Introduction
252:631-1-2 [AMENDED]
252:631-1-3 [AMENDED]
Subchapter 3. Operations
252:631-3-1 [AMENDED]
252:631-3-10 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 16, 2017

[OAR Docket #17-813; filed 11-21-17]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 653. AQUIFER STORAGE AND RECOVERY

[OAR Docket #17-814]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions [NEW]
252:653-1-1. Purpose [NEW]
252:653-1-2. Authority [NEW]
252:653-1-3. Applicability [NEW]
252:653-1-4. Conformity with other applicable rules [NEW]
252:653-1-5. Definitions [NEW]
252:653-1-6. Siting Criteria [NEW]
252:653-1-7. Statement of Interest [NEW]
252:653-1-8. Initial meeting with DEQ [NEW]
252:653-1-9. Permits required [NEW]
252:653-1-10. Water sampling and analysis [NEW]
252:653-1-11. Fees [NEW]
Subchapter 3. Raw Water and Aquifer Characterization [NEW]
252:653-3-1. Applicability [NEW]
252:653-3-2. Raw water and aquifer characterization plan ("RWACP") requirements [NEW]
252:653-3-3. Attenuation of constituents in aquifer media [NEW]
252:653-3-4. Groundwater standards [NEW]
252:653-3-5. Groundwater monitoring well construction and/or plugging [NEW]
252:653-3-6. RWACP implementation [NEW]
252:653-3-7. Raw water and aquifer characterization report [NEW]
Subchapter 5. ASR Treatment Plant Construction [NEW]
252:653-5-1. Permit and pilot study required [NEW]
252:653-5-2. Construct according to plans and specifications [NEW]
252:653-5-3. Variances from construction standards [NEW]
Subchapter 7. ASR Water Delivery Construction [NEW]
252:653-7-1. Applicability [NEW]
252:653-7-2. Permit application requirements [NEW]
252:653-7-3. Additional application requirements for recharge wells [NEW]
252:653-7-4. Additional application requirements for infiltration basins [NEW]
252:653-7-5. Additional application requirements for other water delivery mechanism [NEW]
252:653-7-6. Water delivery pilot test [NEW]
252:653-7-7. Aquifer testing [NEW]
Subchapter 9. Aquifer Storage & Recovery Operations [NEW]
252:653-9-1. Applicability [NEW]

252:653-9-2. Duration and continuation of expiring permit [NEW]
252:653-9-3. No endangerment [NEW]
252:653-9-4. Permit application requirements [NEW]
252:653-9-5. Operation and maintenance of ASR water treatment plant [NEW]
252:653-9-6. Operation and maintenance of recharge wells [NEW]
252:653-9-7. Operation and maintenance of infiltration basins [NEW]
252:653-9-8. Operation and maintenance of other water delivery systems [NEW]
252:653-9-9. Source control [NEW]
252:653-9-10. Groundwater monitoring requirements [NEW]
252:653-9-11. Contingency plan [NEW]
252:653-9-12. Corrective action [NEW]
252:653-9-13. Reporting requirements [NEW]
252:653-9-14. Closure plan [NEW]
Subchapter 11. Cost Estimates and Financial Assurance [NEW]
252:653-11-1. Applicability [NEW]
252:653-11-2. Duty to maintain financial assurance [NEW]
252:653-11-3. Permit transfers [NEW]
252:653-11-4. Substitute financial assurance [NEW]
252:653-11-5. Cost estimates for closure [NEW]

252:653-11-6. Cost estimates for corrective action [NEW]
252:653-11-7. Annual adjustments to cost estimates [NEW]
252:653-11-8. Financial assurance [NEW]
252:653-11-9. Use of multiple mechanisms [NEW]
252:653-11-10. Allowable financial assurance mechanisms [NEW]
252:653-11-11. Cash [NEW]
252:653-11-12. Certificate of deposit [NEW]
252:653-11-13. Trust fund [NEW]
252:653-11-14. Escrow account [NEW]
252:653-11-15. Surety bond [NEW]
252:653-11-16. Letter of credit [NEW]
252:653-11-17. Insurance [NEW]
252:653-11-18. Corporate financial test [NEW]
252:653-11-19. Local government financial test [NEW]
252:653-11-20. Corporate guarantee [NEW]
252:653-11-21. Local government guarantee [NEW]
252:653-11-22. State approved mechanism [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 17, 2017

[OAR Docket #17-814; filed 11-21-17]

Emergency Adoptions

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

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

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

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

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

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 48. WILDLIFE SERVICES

[OAR Docket #17-783]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. Aerial Management of Depredating Animals

35:48-3-9 [AMENDED]

35:48-3-10 [AMENDED]

35:48-3-12 [AMENDED]

35:48-3-13 [AMENDED]

35:48-3-14 [AMENDED]

35:48-3-19 [AMENDED]

AUTHORITY:

Oklahoma Constitution, Article 6, Section 31; State Board of Agriculture; 2 O.S. § 2-4; and 29 O.S. § 4-107.2

ADOPTION:

October 24, 2017

APPROVED BY GOVERNOR:

November 16, 2017

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2018, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

Subchapter 3. Aerial Management of Depredating Animals

35:48-3-12 [AMENDED]

35:48-3-14 [AMENDED]

Gubernatorial approval:

March 3, 2017

Register publication:

34 Ok Reg 545

Docket number:

17-318

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The proposed emergency rule amendments revise the Department's rules to avoid conflict with HB 2324 (approved by the Governor on May 15, 2017 and immediately in full force and effect) and the Governors Executive Order No. 2017-16.

As a result of the foregoing, the State Board of Agriculture determined that an emergency exists requiring amendments to the notice requirements, recordkeeping requirements, and practical limitations imposed by the Department's current rules on the subject.

GIST/ANALYSIS:

The proposed emergency rule amendments (1) remove language that requires the permit holder to identify other persons participating in flights on the 24-hour notice to the Department, (2) clarify the information that may be provided to the Department for the purpose of describing the area on which management will occur, (3) revise the permitted firearms and ammunition, and (4) allow the Board of Agriculture to grant exceptions to the requirements of the subchapter on a case by case basis.

CONTACT PERSON:

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

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

SUBCHAPTER 3. AERIAL MANAGEMENT OF DEPREDATING ANIMALS

35:48-3-9. Application requirements

(a) Applications for an aerial management permit shall be submitted to the Department using the form prescribed by the Department.

(b) A person seeking an aerial management permit shall submit an application containing the following information:

(1) The name of the person seeking an aerial management permit;

(2) The address, telephone number, and other relevant contact information for the person seeking an aerial management permit;

(3) If the person seeking the aerial permit is a corporation or other legal entity, the telephone number and relevant contact information for the corporation or entity's representative and the address of the entity's registered service agent;

(4) A statement declaring whether the person seeking an aerial management permit is operating or intends to operate a commercial or pay-for-service experience

(45) The address, telephone number, and other relevant contact information, and appropriate documentation of any commercial pilot's license required by the Federal

Emergency Adoptions

Aviation Administration for the pilot of the aircraft used for management by the use of aircraft if the person seeking an aerial management permit is operating or intends to operate a commercial or pay-for-service experience;

~~(5) The address, telephone number, and other relevant contact information for the person or persons authorized to use a firearm on the aircraft;~~

(6) A description of the area from which animals will be taken and~~The~~ address, telephone number, and other relevant contact information for the landowner or lessee for the area from which animals will be taken;

~~(7) A description of the animals and number of animals to be taken;~~

~~(8) A description of the area from which the animals will be taken;~~

~~(9) Proof of ownership or proof of the landowner's or lessee's permission to conduct aerial management on the area from which the animals will be taken;~~

(8) A description of the animals to be taken;

~~(10) A description of the aircraft that will be used for management by the use of aircraft;~~

~~(11) If applicable, a description of the firearm and ammunition that will be used for management by the use of aircraft; and~~

~~(12) Proof of liability insurance with a minimum coverage of \$300,000.~~

(c) A permit holder shall be required to advise the Department of any changes in information submitted with the application ~~not~~ less than twenty-four (24) hours prior to engaging in management by the use of aircraft.

(d) If the applicant submits an incomplete application or the Department requests additional information, the Department shall notify the applicant that the application is incomplete and identify the information on the application that is incomplete or needs additional information. The applicant may submit additional information within twenty (20) working days to supplement and complete the application. If the applicant does not respond to the request for additional information in a timely manner, the application shall be denied.

(e) The applicant may withdraw its application from consideration at any time.

(f) An applicant whose application is denied due to insufficient information provided by the applicant or the withdrawal of the application may submit a new application. Any fees and charges paid by the applicant in connection with the denied or withdrawn application shall not be applied to the processing of a new application.

(g) Aerial management permits may be renewed by filing an application for renewal with the Department at least thirty (30) days prior to the expiration date.

(h) Applications and renewals for aerial management permits shall be accompanied by the payment of any required fee.

35:48-3-10. Permit issuance

(a) The Department may issue an aerial management permit if it finds that it will aid in the management of depredating animals.

(b) The Department may deny an aerial management permit if it finds that it will have a deleterious effect on indigenous species.

(c) The Department may authorize the permit holder to advertise and collect payment from other individuals when the activity will aid in the management of depredating animals.

(d) The Department may issue an aerial management permit to any person to engage in the management by use of aircraft without limitation by statewide season regulations or bag limits.

~~(e) The Department may place reasonable restrictions on the permit holder, including limitations on the type of aircraft, firearm, and ammunition used for aerial hunting or the management by use of aircraft, the number of animals to be taken, and such other limitations necessary for safety and for the effect on indigenous species.~~

(f) The aerial management permit shall include, but is not limited to, the following information:

(1) The name and address of the pilot authorized to operate the aircraft under the permit;

~~(2) The name and address of the person authorized to use firearms on the aircraft or otherwise engage in the management by use of aircraft;~~

~~(3) A description of the animals and number of animals authorized to be taken;~~

~~(4) A description of the area from which the animals are authorized to be taken;~~

~~(5) The issue and expiration date of the aerial management permit; and~~

~~(6) Any limitations placed on the permit holder by the Department.~~

(g) An aerial management permit to manage depredating animals issued pursuant to this section shall be valid for a period of one (1) year from the date of issuance.

(h) An aerial management permit shall not be bartered or transferred to any other person.

35:48-3-12. Twenty-four hour notice

(a) A permit holder shall notify the Department of the date, time, and area on which the management by use of aircraft will occur not less than twenty-four (24) hours prior to the activity. Area can be reported in a format to include legal description, global positioning system (GPS) coordinates, or GPS boundary files (shape files).

(b) Twenty-four (24) hour notification shall be made by ~~telephone, fax, or~~ electronic means.

~~(c) Twenty-four (24) hour notification shall include a confirmation by the permit holder that all the information contained in the aerial management permit application is current and correct or shall provide new information and documentation if necessary.~~

~~(d) Twenty-four hour notification shall include the name and address of the pilot authorized to operate the aircraft under the permit and the name and address of the person authorized to use firearms on the aircraft or otherwise engage in the management by use of aircraft.~~

(e) A single twenty-four (24) hour notification may describe up to seven (7) days upon which aerial management may occur.

35:48-3-13. Quarterly reports

A permit holder shall file a quarterly report with the Department within thirty (30) days of each calendar quarter or on the termination of the permit, whichever occurs first, that includes the following information:

- (1) The name, address, and permit number of the permit holder;
- (2) The name and address of the pilot ~~and any other person~~ participating in the flights;
- (3) The number and description of the depredating animals managed under the permit;
- (4) The types of depredating animals authorized to be managed under the permit;
- (5) Dates and times of authorized flights; and
- (6) Any other information required by the Department.

35:48-3-14. Prohibited activities

- (a) A permit holder or pilot shall not:
 - (1) Hunt, shoot, shoot at, kill, or attempt to kill any wildlife, domesticated animal, or livestock from an aircraft other than the animals authorized by the aerial management permit;
 - (2) Intentionally disturb, haze, or buzz any wildlife, domesticated animal, or livestock from an aircraft other than the animals authorized by the aerial management permit;
 - (3) Take or attempt to take any depredating animal for any purpose other than is necessary for the protection of land, water, wildlife, livestock, domesticated animals, human life, or crops;
 - (4) Manage depredating animals from an unsuitable aircraft;
 - (5) Manage depredating animals from an unmanned aerial vehicle;
 - (6) Manage depredating animals with a firearm ~~other than a shotgun~~ using pellet ammunition or soft point or hollow ammunition;
 - (7) Manage depredating animals using incendiary ammunition or any similar hunting method that poses a substantial wildfire risk;
 - ~~(7)~~ Manage depredating animals during hazardous weather, low visibility or nighttime hours;
 - ~~(8)~~ Manage depredating animals during designated deer hunting seasons from the dates of October 1 through January 15 without first obtaining a special permit from the local game warden or other authorized employee of the Department of Wildlife Conservation; or
 - ~~(9)~~ Herd animals from one property to another without the permission of all landowners or lessees affected.
- (b) A permit holder may engage in trial flights allowing pilots and passengers to practice the aerial management activity, however, trial flights shall be subject to all the restrictions and notification requirements as an actual aerial management flight.

35:48-3-19. Pilot and aircraft requirements

Pilots and aircraft shall comply with all appropriate federal laws and regulations when engaging in the management of depredating animals by use of aircraft.

- ~~(a) Pilots shall possess a commercial license from the FAA.~~
- ~~(b) Pilots shall possess a Class II medical certificate.~~
- ~~(c) Pilots shall have documented experience of no less than 250 low level flying hours in an agricultural environment or some equivalent.~~
- ~~(d) Only passengers on an aircraft shall be permitted to use firearms.~~
- ~~(e) Suitable aircraft eligible for aerial management activities shall be registered with the Federal Aviation Administration, and shall be:~~
 - ~~(1) powered rotor aircraft, or~~
 - ~~(2) a fixed, high wing aircraft with tandem seating with a rated stall speed of 50 mph or less.~~

[OAR Docket #17-783; filed 11-17-17]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 45. INSURE OKLAHOMA**

[OAR Docket #17-782]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 11. Insure Oklahoma IP
Part 5. Insure Oklahoma IP Member Eligibility
317:45-11-20 [AMENDED]
(Reference APA WF # 17-02)

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5007 (F)(1) and (3) of Title 63 of Oklahoma Statutes; Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Health Care Authority Board; 42 CFR 435.945; 42 CFR 435.948; 42 CFR 435.949; 42 CFR 435.952; 42 CFR 435.960

ADOPTION:

September 27, 2017

APPROVED BY GOVERNOR:

November 7, 2017

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2018, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The agency requests emergency approval of rule revisions to Insure Oklahoma Individual Plan policies in order to avoid violation of state law and/or federal law. Revisions help prevent obtaining assistance to which an applicant is not entitled by means of a false statement or representation, in accordance with the Oklahoma Medicaid Program Integrity Act.

GIST/ANALYSIS:

These emergency revisions are necessary in order to strengthen Insure Oklahoma Individual Plan program integrity. Revisions will make it incumbent upon the self-employed applicant to verify self-employment by completing and submitting certain documentation. Revisions will help ensure that self-employed applicants are engaged in routine, for-profit activity, in accordance with Internal Revenue Service guidelines. The self-employed

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are one of the eligible populations who can enroll in the Insure Oklahoma Individual Plan.

CONTACT PERSON:

Tywanda Cox, 405-522-7153, Tywanda.Cox@okhca.org

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

SUBCHAPTER 11. INSURE OKLAHOMA IP

PART 5. INSURE OKLAHOMA IP MEMBER ELIGIBILITY

317:45-11-20. Insure Oklahoma IP eligibility requirements

(a) Oklahoma employed working adults not eligible to participate in an employer's qualified benefit plan, employees of non-participating employers, self-employed, unemployed seeking work, workers with a disability, and qualified college students may apply for the Individual Plan. ~~Applicants cannot obtain IP coverage if they are eligible for ESI. Applicants, unless a qualified college student, must be engaged in employment as defined under state law, must be considered self-employed as defined under federal and/or state law, or must be considered unemployed as defined under state law. Applicants, unless a qualified college student, must be:~~ considered "employed" in accordance with State law, including, but not limited to, 40 O.S. § 1-210; engaged in routine, for-profit activity, if self-employed; or considered "unemployed" in accordance with State law, including, but not limited to 40 O.S. § 1-217. Applicants cannot obtain IP coverage if they are eligible for ESI.

(b) The eligibility determination will be processed within 30 days from the date the complete application is received. The applicant will be notified of the eligibility decision.

(c) In order to be eligible for the IP, the applicant must:

- (1) choose a valid PCP according to the guidelines listed in 317:45-11-22, at the time he/she completes application;
- (2) be a US citizen or alien as described in 317:35-5-25;
- (3) be an Oklahoma resident;
- (4) furnish, or show documentation of an application for, a Social Security number at the time of application for Insure Oklahoma IP benefits;
- (5) be not currently enrolled in, or have an open application for SoonerCare or Medicare;
- (6) be age 19 through 64;
- (7) make premium payments by the due date on the invoice;
- (8) not have full-time employment with any employer who does not meet the eligible employer guidelines listed in 317:45-7-1(a)(1)-(2);

(9) be not currently covered by a private insurance policy or plan; and

(10) provide in a timely manner any and all documentation that is requested by the Insure Oklahoma program by the specified due date.

(d) If employed and working for an approved Insure Oklahoma employer who offers a qualified benefit plan, the applicant must meet the requirements in subsection (c) of this Section and:

(1) have countable income at or below the appropriate standard according to the family size on the Insure Oklahoma IP Income Guidelines form.

(A) Effective January 1, 2016, financial eligibility for Insure Oklahoma IP benefits is determined using the MAGI methodology. Unless questionable, the income of applicants do not require verification. See OAC 317:35-6-39 through OAC 317:35-6-54 for the applicable MAGI rules for determining household composition and countable income.

(B) Income is evaluated on a monthly basis for all individuals included in the case for Insure Oklahoma IP Benefits;

(2) be ineligible for participation in their employer's qualified benefit plan due to number of hours worked.

(e) If employed and working for an employer who does not offer a qualified benefit plan, the applicant must meet the requirements in subsection (c) of this Section and have countable income at or below the appropriate standard according to the family size on the Insure Oklahoma IP Income Guidelines form.

(1) Effective January 1, 2016, financial eligibility for Insure Oklahoma IP benefits is determined using the MAGI methodology. Unless questionable, the income of applicants does not require verification. See OAC 317:35-6-39 through OAC 317:35-6-54 for the applicable MAGI rules for determining household composition and countable income.

(2) Income is evaluated on a monthly basis for all individuals included in the case for Insure Oklahoma IP Benefits.

(f) If self-employed, the applicant must meet the requirements in subsection (c) of this Section and:

(1) have countable income at or below the appropriate standard according to the family size on the Insure Oklahoma IP Income Guidelines form.

(A) Effective January 1, 2016, financial eligibility for Insure Oklahoma IP benefits is determined using the MAGI methodology. Unless questionable, the income of applicants does not require verification. See OAC 317:35-6-39 through OAC 317:35-6-54 for the applicable MAGI rules for determining household composition and countable income.

(B) Income is evaluated on a monthly basis for all individuals included in the case for Insure Oklahoma IP Benefits.

(2) must not have full-time employment with any employer who does not meet the eligible employer guidelines listed in 317:45-7-1(a)(1)-(2).

(3) must verify self-employment by completing and submitting to Insure Oklahoma the Self-Employment Attestation Form. In addition,

(A) for any applicant who filed a Federal tax return for the tax year immediately preceding the date of application, he or she must provide a copy of such tax return with all supporting schedules and forms, or

(B) for any applicant exempt from filing a Federal tax return for the previous tax year in accordance with Federal law, including, but not limited to, 26 C.F.R. § 1.6017-1, he or she must submit a completed 12-Month Profit and Loss Worksheet to Insure Oklahoma, as well as any other information requested by Insure Oklahoma that could reasonably be used to substantiate the applicant's regular, for-profit business activity.

(g) If unemployed seeking work, the applicant must meet the requirements in subsection(c) of this Section and the following:

(1) Applicants must have countable income at or below the appropriate standard according to the family size on the Insure Oklahoma IP Income Guidelines form.

(2) Effective January 1, 2016, financial eligibility for Insure Oklahoma IP benefits is determined using the MAGI methodology. Unless questionable, the income of applicants does not require verification. See OAC 317:35-6-39 through OAC 317:35-6-54 for the applicable MAGI rules for determining household composition and countable income.

(3) Income is evaluated on a monthly basis for all individuals included in the case for Insure Oklahoma IP Benefits. Applicant must verify eligibility by providing a most recent copy of their monetary OESC determination letter and a most recent copy of at least one of the following:

- (A) A OESC eligibility letter;
- (B) A OESC weekly unemployment payment statement, or;
- (C) A bank statement showing state treasurer deposit.

(h) If working with a disability, the applicant must meet the requirements in subsection (c) of this Section and the following:

(1) Applicants must have countable income at or below the appropriate standard according to the family size on the Insure Oklahoma IP Income Guidelines form.

(2) Applicants may need to verify eligibility of their enrollment in the Ticket to Work program.

(3) Effective January 1, 2016, financial eligibility for Insure Oklahoma IP benefits is determined using the MAGI methodology. Unless questionable, the income of applicants does not require verification. See OAC 317:35-6-39 through OAC 317:35-6-54 for the applicable MAGI rules for determining household composition and countable income.

(4) Income is evaluated on a monthly basis for all individuals included in the case for Insure Oklahoma IP Benefits.

(i) IP approved individuals must notify the OHCA of any changes, including household status and income, that might impact individual and/or dependent eligibility in the program within 10 days of the change.

(j) When the agency responsible for determining eligibility for the member becomes aware of a change in the member's circumstances, the agency will promptly redetermine eligibility for all household members whose eligibility is affected by the change.

(k) College students may enroll in the Insure Oklahoma IP program as dependents. Effective January 1, 2016, financial eligibility for Insure Oklahoma IP benefits for college students is determined using the MAGI methodology. See OAC 317:35-6-39 through OAC 317:35-6-54 for the applicable MAGI rules for determining household composition and countable income. Dependent college students must enroll under their parents and all annual gross household income (including parent income) must be included in determining eligibility. Independent college students may apply on their own without parent income included in the household. College student status as dependent or independent is determined by the student's current Free Application for Federal Student Aid (FAFSA). College students must also provide a copy of their current student schedule to prove full-time student status.

(l) Any misleading or false representation, or omission of any material fact or information required or requested by OHCA as part of the Insure Oklahoma application process, may result in, among other things, closure of eligibility pursuant to OAC 317:45-11-27.

[OAR Docket #17-782; filed 11-9-17]

**TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT
CHAPTER 15. FISCAL, PERSONNEL AND GENERAL OPERATIONS**

[OAR Docket #17-827]

RULEMAKING ACTION:
EMERGENCY adoption

- RULES:**
- Subchapter 33. Oklahoma Tourism Development Act Tax Credit Program
 - 725:15-33-8. Necessity, function, and conformity [NEW]
 - 725:15-33-9. Definitions [NEW]
 - 725:15-33-10. Standards for preliminary approval [NEW]
 - 725:15-33-11. Oklahoma Tourism Development Act Tax Credit Program application [NEW]
 - 725:15-33-12. Final Approval [NEW]
 - 725:15-33-13. Application form [NEW]
 - 725:15-33-14. Appeals [NEW]

AUTHORITY:
Title 68. Oklahoma Tourism Development Act, Revenue and Taxation O.S. 2391 *et seq.* Oklahoma Tourism and Recreation commission - Powers, Rights, and Duties; Oklahoma Tourism and Recreation Commission.

ADOPTION:
October 25, 2017

APPROVED BY GOVERNOR:
November 17, 2017

EFFECTIVE:
Immediately upon Governor's approval

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EXPIRATION:

Effective through September 14, 2018, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The Emergency Rules as stated are necessary to "avoid serious prejudice to the public interest" in delaying such adoption would severely delay the tax revenue benefit to the state, delay investment in Tourism Development Projects, and hurt business and tax revenue of the surrounding communities.

GIST/ANALYSIS:

Under the The Emergency Rule Documentation for Emergency Rules Oklahoma Tourism Development Act, 68 O.S. 2391 *et seq.* The Department is requesting approval of Emergency Rules as they are necessary to "avoid serious prejudice to the public interest" in delaying such adoption would severely delay the tax revenue benefit to the state, delay investment in Tourism Development Projects, and hurt business and tax revenue of the surrounding communities.

CONTACT PERSON:

Irish Hill, Oklahoma Tourism and Recreation Department, Division of Administrative Offices, 405-522-9557, or irish.hill@travelok.com.

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

SUBCHAPTER 33. OKLAHOMA TOURISM DEVELOPMENT ACT TAX CREDIT PROGRAM

725:15-33-8. Necessity, function, and conformity

68 O.S. § 2394 requires that the Director, with approval of the Oklahoma Tourism and Recreation Commission, shall establish standards for the making of applications for inducements to eligible companies and their tourism attraction projects production and development facility project by the promulgation of rules in accordance with the Administrative Procedures Act.

725:15-33-9. Definitions

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

"Act" or "this act" means the Oklahoma Tourism Development Act found in 68 O.S. § 2391 - § 2397;

"Agreement" means an agreement entered into pursuant to Section 6 of this act, by and between the Executive Director of the Oklahoma Tourism and Recreation Department and an approved company, with respect to a tourism attraction project;

"Approved company" means any eligible company that is seeking to undertake a tourism attraction project and is approved by the Executive Director pursuant to Sections 5 and 6 of this act;

"Approved costs" means:

(A) obligations incurred for labor and to vendors, contractors, subcontractors, builders and suppliers in connection with the acquisition, construction, equipping and installation of a tourism attraction project,

(B) the costs of acquiring real property or rights in real property in connection with a tourism attraction project, and any costs incidental thereto,

(C) the costs of contract bonds and of insurance of all kinds that may be required or necessary during the course of the acquisition, construction, equipping and installation of a tourism attraction project which are not paid by the vendor, supplier or contractor, or otherwise provided,

(D) all costs of architectural and engineering services including, but not limited to, estimates, plans and specifications, preliminary investigations, and supervision of construction and installation, as well as for the performance of all the duties required by or consequent to the acquisition, construction, equipping and installation of a tourism attraction project,

(E) all costs required to be paid under the terms of any contract for the acquisition, construction, equipping and installation of a tourism attraction project,

(F) all costs required for the installation of utilities in connection with a tourism attraction project including, but not limited to, water, sewer, sewage treatment, gas, electricity and communications, and including off-site construction of utility extensions paid for by the approved company, and

(G) all other costs comparable with those described in this paragraph;

"Director" means the Executive Director of the Oklahoma Tourism and Recreation Department or the Executive Director's designated representative;

"Eligible company" means any corporation, limited liability company, partnership, sole proprietorship, business trust or any other entity, operating or intending to operate a tourism attraction project, whether owned or leased, within this state that meets the standards promulgated by the Executive Director pursuant to Section 4 of this act;

"Final approval" means the action taken by the Executive Director authorizing the eligible company to receive inducements under Section 7 of this act;

"Increased state sales tax liability" means that portion of an approved company's reported state sales tax liability resulting from taxable sales of goods and services to its customers at the tourism attraction which exceeds the reported state sales tax liability for sales to its customers for the same month in the calendar year immediately preceding the certification;

"Inducements" means the sales tax credit as prescribed in Section 7 of this act;

"Preliminary approval" means the action taken by the Executive Director conditioned upon final approval by the Executive Director upon satisfaction by the eligible company of the requirements of this act;

"Tourism attraction":

(A) means:

(i) a cultural or historical site,

(ii) a recreational or entertainment facility,

- (iii) an area of natural phenomena or scenic beauty,
- (iv) a theme park,
- (v) an amusement or entertainment park,
- (vi) an indoor or outdoor play or music show,
- (vii) a botanical garden,
- (viii) a cultural or educational center, or
- (ix) a destination hotel whose location and amenities, including but not limited to upscale dining, recreation and entertainment, make the hotel itself a destination for tourists.

(B) Shall not include:

- (i) lodging facilities, unless:
 - (I) the facilities constitute a portion of a tourism attraction project and represent less than fifty percent (50%) of the total approved costs of the tourism attraction project, or
 - (II) the lodging facilities are a part of a destination hotel,
- (ii) facilities that are primarily devoted to the retail sale of goods, unless the goods are created at the site of the tourism attraction project or if the sale of goods is incidental to the tourism attraction project,
- (iii) facilities that are not open to the general public,
- (iv) facilities that do not serve as a likely destination where individuals who are not residents of this state would remain overnight in commercial lodging at or near the tourism attraction project,
- (v) facilities owned by the State of Oklahoma or a political subdivision of this state, or
- (vi) facilities established for the purpose of conducting legalized gambling. However, a facility regulated under the Oklahoma Horse Racing Act, Sections 200 through 209 of Title 3A of the Oklahoma Statutes, shall be a tourism attraction for purposes of this act for any approved project as outlined in subparagraph a of this paragraph or for an approved project relating to pari-mutuel racing at the facility and not for establishing a casino or for offering casino-style gambling; and

"Tourism attraction project" or "project" means:

- (A) the acquisition, including the acquisition of real estate by leasehold interest with a minimum term of ten (10) years, construction and equipping of a tourism attraction, and
- (B) the construction and installation of improvements to facilities necessary or desirable for the acquisition, construction and installation of a tourism attraction, including, but not limited to:
 - (i) surveys, and
 - (ii) installation of utilities, which may include:
 - (I) water, sewer, sewage treatment, gas, electricity, communications and similar facilities, and
 - (II) off-site construction of utility extensions to the boundaries of the real estate on

which the facilities are located, all of which shall be used to improve the economic situation of the approved company in a manner that shall allow the approved company to attract tourists.

725:15-33-10. Standards for preliminary approval

When a written application is submitted to the Director for consideration of preliminary approval of the eligible company and its tourism attraction project, the Director shall base approval of the request upon the information in the application, recommendations from staff and advisory review committees, any written or oral communications with the eligible company, and all requirements as set forth in paragraph B of 68 O.S. § 2394.

725:15-33-11. Oklahoma Tourism Development Act Tax Credit Program application

(a) An eligible company wishing to participate in the Oklahoma Tourism Development Act Tax Credit Program shall electronically file a copy of an application with the Director. If the application does not contain all information and materials identified below it shall be returned to the applicant and will not be considered.

(b) The following information and materials shall be submitted as a part of the application:

- (1) Eligible company name, address, phone, email, contact person and federal employer tax identification number;
- (2) Location of tourism attraction project;
- (3) Form of organization of eligible company;
- (4) Previous participation of eligible company in Oklahoma tax incentive programs;
- (5) Ownership of eligible company;
- (6) Bankruptcy history of eligible company;
- (7) Governmental denial, suspension or revocation of licenses of eligible company;
- (8) Attorney for eligible company, including address, phone and telefax numbers;
- (9) Contact person of bank for eligible company, including address, phone and telefax numbers and contact person;
- (10) Accountant for eligible company, including address, phone and telefax numbers;
- (11) Tourism attraction project and development facility project description;
- (12) Eligible company ownership or leasing of tourism attraction project and development facility project;
- (13) Estimated tourism attraction project expenditures that indicate that costs will exceed \$500,000.00;
- (14) Proposed sources of financing tourism attraction project.
- (15) Contractor for tourism attraction project including address, phone and telefax numbers and contact person;
- (16) The total number of jobs projected upon completion of and within two (2) years after completion of the tourism attraction project.

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- (17) Five (5) year history of attendance at tourism attraction project development facility project for an expansion;
- (18) Five (5) year history of attendance projections for tourism attraction project;
- (19) Business plans that indicate the months of the year during which the tourism attraction project is open;
- (20) Marketing plans and media type to be used for the tourism attraction project including five (5) year proposed advertising budget, specifically indicating how the marketing plans will attract non-residents of Oklahoma to the tourism attraction project;
- (21) Value of Oklahoma tangible property before and after completion of the tourism attraction project;
- (22) Ten (10) year estimate of tourism attraction project payroll;
- (23) Estimated federal and state income tax liability of eligible company for first ten (10) fiscal years of the eligible company after commencement of operations of the tourism attraction project production and development facility project;
- (24) Estimated state sales tax liability of eligible company for first ten (10) fiscal years of the eligible company after commencement of operations of the tourism attraction project;
- (25) If the tourism attraction project is an expansion, federal and state income tax liability of eligible company for the past three (3) fiscal years;
- (26) Ten (10) year estimated revenue of eligible company subject to Oklahoma income tax from the tourism attraction project; and
- (27) Ten (10) year estimated additional revenue the tourism attraction project will generate to the community.
- (28) Type of tax credit desired.
- (29) A signed and dated Certification of Application.

725:15-33-12. Final Approval

The Director shall provide his/her final approval required by Title 68 O.S. § 2395 based upon:

- (1) The eligible company's satisfaction of statutory requirements of Title 68 O.S. § 2394
- (2) The findings of the consultant's report required by paragraph C of Title 68 O.S. § 2394; and

- (3) The application submitted to the Director under Section 3 of this administrative regulation, and written and oral communications with the eligible company.

725:15-33-13. Application form

(a) The "Application for the Oklahoma Tourism Development Act Income Tax Credit Program" is incorporated by reference.

(b) A copy of the form of application may be inspected, copied or obtained at the Oklahoma Tourism and Recreation Department, 900 N. Stiles Ave, Oklahoma City, Oklahoma, between 8 a.m. and 5:00 p.m., Monday through Friday.

725:15-33-14. Appeals

An applicant may appeal the denial of final approval by the Executive Director to the Oklahoma Tourism and Recreation Commission.

(1) **Applicant notification.** An applicant shall submit a written appeal to the Chairman of the Oklahoma Tourism and Recreation Commission within ten (10) days of the date of denial. The appeal shall state all facts and reasons for the appeal.

(2) **Director actions and determination.** The Chairman of the Commission shall assign the appeal to an administrative law judge retained by the Commission. The administrative law judge shall conduct an administrative hearing pursuant to the provisions of 75 O.S. Section 309 et seq. The administrative law judge shall establish necessary procedures for the administrative hearing. The administrative law judge shall provide proposed findings of fact and conclusions of law to the Commission. The Commission shall sustain or deny the applicant's appeal.

(3) **Applicant appeal of Commission denial.** If the Commission denies an applicant's appeal, the applicant may further appeal pursuant to provisions of 75 O.S. Section 309 et seq.

[OAR Docket #17-827; filed 11-22-17]

Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

TITLE 1. EXECUTIVE ORDERS

1:2017-37.

EXECUTIVE ORDER 2017-37

To the Honorable Members of the Oklahoma House of Representatives, the Honorable Members of the Oklahoma State Senate, all cabinet members, and all directors of state agencies:

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution hereby direct as follows:

1. For the fiscal year ending June 30, 2018, no executive branch agency, board, commission, department or other entity organized within the executive branch of state government shall expend any funds on nonessential items to be provided to persons or legal entities including, but not limited to, items of tangible personal property for purposes of promoting or advertising the name of the state government entity or its missions, duties or functions, such as magnets, buttons, bumper stickers, ribbons, awards, prizes, trophies, stationary, writing implements, legal pad holders, book bags or similar items. For the fiscal year beginning July 1, 2019, and ending June 30, 2020, and every fiscal year thereafter, total executive branch spending on such nonessential items shall not exceed Ten Million Dollars (\$10,000,000.00) annually.

2. Items utilized to identify a person as an employee of a state agency or to identify property as property of the state shall not be prohibited. Any item utilized to promote access to services provided by the state or a state contractor shall not be prohibited. Each executive branch agency, board, commission, department or other entity organized within the executive branch of state government shall submit a request for approval to the entities' cabinet secretary, and after approved by said secretary, to the Office of Management and Enterprise Services (OMES) of any items of tangible personal property, as provided in this section, intended to be purchased. OMES may approve such request if the Ten Million Dollar limit for the respective fiscal year has not been exceeded. The applicant may be allowed to modify the request so as to not exceed the limit. OMES may promulgate rules for the implementation of this section.

Provided, the provisions of this Executive Order shall not apply to the Tourism and Recreation Department, Department of Commerce, or the Oklahoma Department of Career and Technology Education.

Provided further, any purchase of any item or service prohibited by this Executive Order may be allowed upon approval of the entity's cabinet secretary.

Copies of this Executive Order shall be distributed to every member of the Oklahoma House of Representatives; every member of the Oklahoma State Senate; the Clerk of the House of Representatives; the Secretary of the Senate; Director of the Office of Management and Enterprise Services; and the cabinet secretaries to further distribute to directors of agencies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 21 day of November, 2017.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-823; filed 11-21-17]

1:2017-37A.

AMENDED EXECUTIVE ORDER 2017-37

To the Honorable Members of the Oklahoma House of Representatives, the Honorable Members of the Oklahoma State Senate, all cabinet members, and all directors of state agencies:

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution hereby direct as follows:

1. For the fiscal year ending June 30, 2018, no executive branch agency, board, commission, department or other entity organized within the executive branch of state government shall expend any funds on nonessential items to be

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provided to persons or legal entities including, but not limited to, items of tangible personal property for purposes of promoting or advertising the name of the state government entity or its missions, duties or functions, such as magnets, buttons, bumper stickers, ribbons, awards, prizes, trophies, stationary, writing implements, legal pad holders, book bags or similar items. For the fiscal year beginning July 1, 2018, and ending June 30, 2019, and every fiscal year thereafter, total executive branch spending on such nonessential items shall not exceed Ten Million Dollars (\$10,000,000.00) annually.

2. Items utilized to identify a person as an employee of a state agency or to identify property as property of the state shall not be prohibited. Any item utilized to promote access to services provided by the state or a state contractor shall not be prohibited. Each executive branch agency, board, commission, department or other entity organized within the executive branch of state government shall submit a request for approval to the entities' cabinet secretary, and after approved by said secretary, to the Office of Management and Enterprise Services (OMES) of any items of tangible personal property, as provided in this section, intended to be purchased. OMES may approve such request if the Ten Million Dollar limit for the respective fiscal year has not been exceeded. The applicant may be allowed to modify the request so as to not exceed the limit. OMES may promulgate rules for the implementation of this section.

Provided, the provisions of this Executive Order shall not apply to the Tourism and Recreation Department, Department of Commerce, or the Oklahoma Department of Career and Technology Education.

Provided further, any purchase of any item or service prohibited by this Executive Order may be allowed upon approval of the entity's cabinet secretary.

Copies of this Executive Order shall be distributed to every member of the Oklahoma House of Representatives; every member of the Oklahoma State Senate; the Clerk of the House of Representatives; the Secretary of the Senate; Director of the Office of Management and Enterprise Services; and the cabinet secretaries to further distribute to directors of agencies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 30TH day of November, 2017.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-837; filed 11-30-17]

1:2017-38.

EXECUTIVE ORDER 2017-38

To the Honorable Members of the Oklahoma House of Representatives, the Honorable Members of the Oklahoma State Senate, the Oklahoma Chancellor of Higher Education and the Oklahoma State Regents for Higher Education:

WHEREAS, the State Regents Task Force on the Future of Higher Education is currently reviewing the structure of Higher Education in Oklahoma, an effort that I commend and support;

WHEREAS, due to shrinking resources across the country available for Higher Education several states have recently undertaken or considered consolidation measures including Connecticut, Georgia, and Nevada;

WHEREAS, administrative consolidation will allow for more effective distribution of resources and educational programs throughout the state to better serve students and meet the needs of our economy;

WHEREAS, administrative consolidation will allow higher education to focus on the areas that will strengthen career pathways and result in fewer dropouts and more students graduating on time; and

WHEREAS, administrative consolidation will also lead to significant administrative savings, including, but not limited to, IT and energy efficiency savings.

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, and to strengthen and support efforts at efficiencies in the best interests of the State of Oklahoma, hereby direct as follows:

In order to stabilize funding and strengthen public confidence, the Oklahoma Chancellor of Higher Education and the Oklahoma State Regents for Higher Education shall develop a plan to be presented to the Governor and Legislature for the administrative consolidation of universities, colleges, centers and branch campuses by December of 2018. I further direct the Chancellor and State Regents of Higher Education to execute the plan by December of 2019.

Copies of this Executive Order shall be distributed to the Oklahoma Chancellor of Higher Education and the Oklahoma State Regents for Higher Education, every member of the Oklahoma House of Representatives, every member of the Oklahoma State Senate, the Clerk of the House of Representatives, the Secretary of the Senate, and the Director of the Office of Management and Enterprise Services.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 21 day of November, 2017.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-824; filed 11-21-17]

1:2017-39.

EXECUTIVE ORDER 2017-39

To the Honorable Members of the Oklahoma House of Representatives, the Honorable Members of the Oklahoma State Senate, the State Superintendent of Public Instruction, and the State Board of Education:

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution hereby direct as follows:

1. By September 1, 2018, and every year thereafter, the State Board of Education, with the assistance of the State Superintendent of Public Instruction, shall compile a list of every public school district that spends less than sixty percent (60%) of their budget on instructional expenditures.
2. The State Board of Education, with the assistance of the State Superintendent of Public Instruction, shall consider and make recommendations for administrative consolidation or annexation of school districts described in Paragraph 1. The State Board of Education, with the assistance of the State Superintendent of Public Instruction, shall notify school districts that are designated for administrative consolidation or annexation by July 1, 2019.

3. In order to strengthen public confidence in the efficient use of state education dollars, no later than January 1, 2020, school districts designated for administrative consolidation or annexation shall submit a plan for administrative consolidation or annexation to the Superintendent and State Board of Education. If a plan is not submitted by the school district, the State Board of Education, with the assistance of the State Superintendent of Public Instruction, shall determine a plan for administrative consolidation or annexation, and all plans shall be implemented beginning with the 2020-2021 school year.

4. The following administrative services shall be consolidated or annexed including but not limited to: functions of the school district superintendent, budgeting for schools, facility maintenance, equipment, nutrition programs, curriculum and instruction, textbooks, professional development resources, payroll, legal, human resources, federal programs, purchasing, technology, federal and state reporting and bonding and infrastructure.

5. Funds saved as a result of administrative consolidation or annexation shall be retained by the school district and reallocated for instructional expenditures.

6. The State Board of Education, with the assistance of the State Superintendent of Public Instruction, shall promulgate rules to implement the provisions of this section.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 21 day of November, 2017.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Dave Lopez
Secretary of State

[OAR Docket #17-825; filed 11-21-17]

