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Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	iv
Agency Index (Title numbers assigned)	vi
Submissions to Governor and Legislature	
Election Board, State (Title 230)	617, 618, 619
Withdrawn Rules	
Public Safety, Department of (Title 595)	621
Emergency Adoptions	
Tax Commission, Oklahoma (Title 710)	623
Executive Orders (Title 1)	625

Agency/Action/Subject Index

ELECTION Board, State (Title 230)***Submissions to Governor and Legislature***

The County Election Board (Chapter 10)	617
Voter Registration (Chapter 15)	617
Candidate Filing (Chapter 20)	618
Ballot Printing (Chapter 25)	619
Absentee Voting (Chapter 30)	619

GOVERNOR***Executive Orders***

Ordering flags at half-staff in recognition of Peace Officers Memorial Day (18-14)	625
Directing Department of Human Services to publish list of Oklahoma licensed adoption agencies on its website (18-15)	625

PUBLIC Safety, Department of (Title 595)***Withdrawn Rules***

Wreckers and Towing Services (Chapter 25)	621
Enforcement of Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act (Chapter 35)	621

TAX Commission, Oklahoma (Title 710)***Emergency Adoptions***

Withholding (Chapter 90)	623
--------------------------------	-----

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
35:48-3-9.....	[AMENDED] (E)..... 203	230:20-11-2.....	[NEW] (E)..... 572
35:48-3-10.....	[AMENDED] (E)..... 204	317:2-1-16.....	[AMENDED] (E)..... 515
35:48-3-12.....	[AMENDED] (E)..... 204	317:30-3-4.1.....	[AMENDED] (E)..... 113
35:48-3-13.....	[AMENDED] (E)..... 205	317:30-3-30.....	[AMENDED] (E)..... 115
35:48-3-14.....	[AMENDED] (E)..... 205	317:30-3-57.....	[AMENDED] (E)..... 19
35:48-3-19.....	[AMENDED] (E)..... 205	317:30-3-88.....	[REVOKED] (E)..... 24
165:5-7-6.....	[AMENDED] (E)..... 67	317:30-5-72.....	[AMENDED] (E)..... 22
165:5-7-6.1.....	[AMENDED] (E)..... 69	317:30-5-72.1.....	[AMENDED] (E)..... 22
165:5-7-6.2.....	[AMENDED] (E)..... 70	317:30-5-77.2.....	[AMENDED] (E)..... 23
165:5-7-7.....	[AMENDED] (E)..... 70	317:30-5-95.....	[AMENDED] (E)..... 517
165:10-3-28.....	[AMENDED] (E)..... 71	317:30-5-95.39.....	[AMENDED] (E)..... 519
175:10-3-16.....	[AMENDED] (E)..... 157	317:30-5-131.1.....	[REVOKED] (E)..... 417
175:10-3-34.....	[AMENDED] (E)..... 158	317:30-5-131.2.....	[AMENDED] (E)..... 420
175:10-3-37.....	[AMENDED] (E)..... 159	317:30-5-136.....	[AMENDED] (E)..... 522
175:10-3-38.....	[AMENDED] (E)..... 159	317:30-5-241.6.....	[AMENDED] (E)..... 25
175:10-3-39.....	[AMENDED] (E)..... 160	317:30-5-696.....	[AMENDED] (E)..... 116
175:10-3-41.....	[AMENDED] (E)..... 160	317:30-5-1096.....	[AMENDED] (E)..... 231
175:10-3-42.....	[AMENDED] (E)..... 161	317:30-5-1207.....	[NEW] (E)..... 5
175:10-3-43.....	[AMENDED] (E)..... 161	317:35-5-41.6.....	[AMENDED] (E)..... 6
175:10-3-44.....	[AMENDED] (E)..... 161	317:35-5-42.....	[AMENDED] (E)..... 528
175:10-3-45.....	[AMENDED] (E)..... 162	317:35-7-40.....	[AMENDED] (E)..... 28
175:10-3-46.....	[AMENDED] (E)..... 163	317:35-9-75.....	[AMENDED] (E)..... 28
175:10-3-55.....	[AMENDED] (E)..... 163	317:35-15-7.....	[AMENDED] (E)..... 28
210:10-13-24.....	[NEW] (E)..... 603	317:35-17-12.....	[AMENDED] (E)..... 29
230:15-5-87.....	[AMENDED] (E)..... 560	317:35-19-22.....	[AMENDED] (E)..... 29
230:15-5-100.....	[AMENDED] (E)..... 560	317:35-23-2.....	[AMENDED] (E)..... 11
230:15-5-101.1.....	[NEW] (E)..... 561	317:35-23-3.....	[AMENDED] (E)..... 11
230:15-5-102.....	[AMENDED] (E)..... 561	317:45-11-20.....	[AMENDED] (E)..... 206
230:15-5-102.1.....	[NEW] (E)..... 562	325:45-1-1.....	[AMENDED] (E)..... 347
230:15-5-102.3.....	[NEW] (E)..... 562	325:45-1-2.....	[AMENDED] (E)..... 348
230:15-5-103.....	[AMENDED] (E)..... 562	325:45-1-3.....	[REVOKED] (E)..... 349
230:15-5-104.....	[AMENDED] (E)..... 563	325:45-1-4.....	[AMENDED] (E)..... 349
230:15-5-105.....	[AMENDED] (E)..... 563	325:45-1-5.....	[AMENDED] (E)..... 350
230:15-5-108.....	[AMENDED] (E)..... 563	325:45-1-6.....	[AMENDED] (E)..... 350
230:15-5-109.....	[AMENDED] (E)..... 564	325:45-1-6.1.....	[NEW] (E)..... 351
230:15-5-110.....	[AMENDED] (E)..... 564	325:45-1-6.2.....	[NEW] (E)..... 352
230:15-9-29.....	[AMENDED] (E)..... 564	325:45-1-7.....	[REVOKED] (E)..... 353
230:20-1-1.....	[AMENDED] (E)..... 566	325:45-1-9.....	[AMENDED] (E)..... 353
230:20-3-2.....	[AMENDED] (E)..... 566	325:45-1-9.1.....	[NEW] (E)..... 354
230:20-3-3.....	[AMENDED] (E)..... 566	325:45-1-11.....	[AMENDED] (E)..... 355
230:20-3-4.....	[NEW] (E)..... 566	325:45-1-12.....	[AMENDED] (E)..... 355
230:20-3-5.....	[NEW] (E)..... 567	325:45-1-13.....	[AMENDED] (E)..... 356
230:20-3-6.....	[NEW] (E)..... 567	325:45-1-14.....	[AMENDED] (E)..... 356
230:20-3-30.....	[REVOKED] (E)..... 567	325:45-1-15.....	[REVOKED] (E)..... 356
230:20-3-31.....	[REVOKED] (E)..... 567	325:45-1-16.....	[AMENDED] (E)..... 356
230:20-3-32.....	[AMENDED] (E)..... 567	325:45-1-17.....	[AMENDED] (E)..... 356
230:20-3-32.1.....	[NEW] (E)..... 567	325:45-1-18.....	[AMENDED] (E)..... 357
230:20-3-33.....	[AMENDED] (E)..... 568	325:45-1-19.....	[AMENDED] (E)..... 357
230:20-3-34.....	[AMENDED] (E)..... 568	325:45-1-20.....	[AMENDED] (E)..... 358
230:20-3-35.....	[AMENDED] (E)..... 568	325:45-1-21.....	[AMENDED] (E)..... 358
230:20-3-37.....	[AMENDED] (E)..... 569	325:45-1-22.....	[REVOKED] (E)..... 358
230:20-3-38.....	[AMENDED] (E)..... 570	325:45-1-23.....	[REVOKED] (E)..... 359
230:20-3-40.....	[REVOKED] (E)..... 570	325:45-1-24.....	[AMENDED] (E)..... 359
230:20-3-44.....	[AMENDED] (E)..... 570	325:45-1-26.....	[AMENDED] (E)..... 359
230:20-3-49.....	[AMENDED] (E)..... 571	325:45-1-27.....	[AMENDED] (E)..... 359
230:20-5-5.....	[AMENDED] (E)..... 571	325:45-1-29.....	[AMENDED] (E)..... 360
230:20-9-1.....	[NEW] (E)..... 571	340:2-46-1.....	[NEW] (E)..... 449
230:20-9-2.....	[NEW] (E)..... 571	340:2-46-2.....	[NEW] (E)..... 449
230:20-9-3.....	[NEW] (E)..... 571	340:2-46-3.....	[NEW] (E)..... 450
230:20-9-4.....	[NEW] (E)..... 572	340:2-46-4.....	[NEW] (E)..... 450
230:20-11-1.....	[NEW] (E)..... 572	340:2-46-5.....	[NEW] (E)..... 450

340:5-5-2.	[AMENDED] (E)	79	710:1-17-2.	[NEW] (E)	54
340:10-2-4.	[AMENDED] (E)	30	710:1-17-3.	[NEW] (E)	54
340:10-3-31.1.	[AMENDED] (E)	36	710:1-17-4.	[NEW] (E)	54
340:40-3-1.	[AMENDED] (E)	37	710:1-17-5.	[NEW] (E)	54
340:40-5-1.	[AMENDED] (E)	39	710:1-17-6.	[NEW] (E)	55
340:40-7-10.	[AMENDED] (E)	41	710:1-17-7.	[NEW] (E)	55
340:40-7-13.	[AMENDED] (E)	42	710:1-17-8.	[NEW] (E)	55
340:40-9-1.	[AMENDED] (E)	43	710:1-17-9.	[NEW] (E)	55
340:40-9-2.	[AMENDED] (E)	43	710:45-9-31.	[AMENDED] (E)	56
340:40-13-1.	[AMENDED] (E)	45	710:45-9-32.1.	[AMENDED] (E)	56
340:40-13-2.	[AMENDED] (E)	45	710:45-9-34.	[AMENDED] (E)	57
340:40-15-1.	[AMENDED] (E)	47	710:45-9-35.	[AMENDED] (E)	57
340:65-5-1.	[AMENDED] (E)	49	710:45-9-40.	[AMENDED] (E)	57
340:75-1-9.1.	[NEW] (E)	452	710:45-9-41.	[AMENDED] (E)	57
340:75-1-18.	[AMENDED] (E)	452	710:45-9-43.	[AMENDED] (E)	58
340:75-3-120.	[AMENDED] (E)	454	710:45-9-51.	[AMENDED] (E)	58
340:75-3-300.	[AMENDED] (E)	457	710:45-9-53.	[AMENDED] (E)	59
340:75-3-400.	[AMENDED] (E)	459	710:45-9-73.	[AMENDED] (E)	59
340:75-6-31.4.	[AMENDED] (E)	460	710:45-9-82.	[AMENDED] (E)	60
340:75-6-85.	[AMENDED] (E)	463	710:45-9-84.	[AMENDED] (E)	60
340:75-7-15.	[AMENDED] (E)	466	710:45-9-93.	[AMENDED] (E)	60
340:75-7-65.	[AMENDED] (E)	468	710:45-9-94.	[AMENDED] (E)	61
340:75-15-9.	[AMENDED] (E)	472	710:90-1-5.	[AMENDED] (E)	623
340:75-15-41.1.	[AMENDED] (E)	473	710:90-1-6.	[AMENDED] (E)	623
340:75-15-84.1.	[NEW] (E)	474	710:90-1-7.	[AMENDED] (E)	624
340:110-1-8.1.	[AMENDED] (E)	476	710:90-1-11.	[AMENDED] (E)	624
340:110-1-8.3.	[AMENDED] (E)	478	725:15-33-1.	[REVOKED] (E)	232
340:110-1-8.10.	[AMENDED] (E)	482	725:15-33-2.	[REVOKED] (E)	232
340:110-1-9.	[AMENDED] (E)	482	725:15-33-3.	[REVOKED] (E)	233
340:110-1-10.1.	[AMENDED] (E)	484	725:15-33-4.	[REVOKED] (E)	233
340:110-1-47.	[AMENDED] (E)	486	725:15-33-5.	[REVOKED] (E)	234
340:110-3-85.	[AMENDED] (E)	488	725:15-33-6.	[REVOKED] (E)	234
340:110-3-153.1.	[AMENDED] (E)	493	725:15-33-7.	[REVOKED] (E)	234
340:110-3-282.	[AMENDED] (E)	497	725:15-33-8.	[NEW] (E)	208
340:110-5-8.	[AMENDED] (E)	499	725:15-33-9.	[NEW] (E)	208
460:15-1-10.	[AMENDED] (E)	51	725:15-33-10.	[NEW] (E)	209
460:20-27-6.	[AMENDED] (E)	53	725:15-33-11.	[NEW] (E)	209
605:10-1-2.	[AMENDED] (E)	361	725:15-33-12.	[NEW] (E)	210
605:10-3-1.	[AMENDED] (E)	362	725:15-33-13.	[NEW] (E)	210
605:10-3-2.	[AMENDED] (E)	363	725:15-33-14.	[NEW] (E)	210
605:10-3-4.	[AMENDED] (E)	364	777:10-3-3.	[AMENDED] (E)	301
605:10-3-4.1.	[NEW] (E)	364	800:10-3-5.	[AMENDED] (E)	164
605:10-3-6.	[AMENDED] (E)	364	800:25-7-81.2.	[NEW] (E)	166
605:10-7-1.	[AMENDED] (E)	366	800:30-1-4.	[AMENDED] (E)	167
605:10-7-2.	[AMENDED] (E)	366	800:30-1-20.	[AMENDED] (E)	168
605:10-7-4.	[AMENDED] (E)	368	810:1-1-2.	[AMENDED] (E)	235
605:10-7-7.	[AMENDED] (E)	369	810:1-1-6.	[AMENDED] (E)	235
605:10-7-8.	[AMENDED] (E)	369	810:1-1-8.	[AMENDED] (E)	236
605:10-7-8.1.	[AMENDED] (E)	370	810:10-1-3.	[AMENDED] (E)	237
605:10-7-8.2.	[AMENDED] (E)	370	810:10-1-4.	[AMENDED] (E)	238
605:10-9-3.2.	[NEW] (E)	371	810:10-1-7.	[AMENDED] (E)	239
605:10-9-4.	[AMENDED] (E)	371	810:10-3-3.	[AMENDED] (E)	240
610:25-23-4.	[AMENDED] (E)	424	810:10-5-95.	[AMENDED] (E)	240
610:25-23-8.	[AMENDED] (E)	425	810:25-1-2.	[AMENDED] (E)	120
710:1-17-1.	[NEW] (E)	54			

Agency/Title Index

[Assigned as of 6-1-18]

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

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

Agency/Title Index – *continued*

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

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

[OAR Docket #18-361]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 7. General Administration of the County Election Board Office

Part 1. Meetings of the Board

230:10-7-2. Scheduling meetings [AMENDED]

230:10-7-11. Quorum necessary [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 30, 2018

[OAR Docket #18-361; filed 4-30-18]

TITLE 230. STATE ELECTION BOARD CHAPTER 15. VOTER REGISTRATION

[OAR Docket #18-362]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Voter Outreach

Part 3. Distribution of Voter Registration Application Forms

230:15-3-24. Voter registration application forms available in quantity for organized voter registration programs [AMENDED]

230:15-3-26. Requests for more than ~~5,000~~ 1,000 Oklahoma Voter Registration Application forms [AMENDED]

Subchapter 5. Application for Voter Registration

Part 21. Voter Registration Application by Mail

230:15-5-87. Acknowledgment of voter registration application [AMENDED]

230:15-5-90. Address confirmation notice [REVOKED]

Part 23. Voter Registration Application Services at Department of Public Safety Facilities and in Motor License Agencies

230:15-5-100. Voter registration application services ~~required in motor license agency provided with driver license services at Department of Public Safety facilities and at motor license agencies~~ [AMENDED]

230:15-5-101.1. Training for driver license examiners and other Department of Public Safety personnel [NEW]

230:15-5-102. ~~Procedure~~ Motor license agency procedure for active—simultaneous voter registration application ~~services in motor license agency with a driver license renewal~~ [AMENDED]

230:15-5-102.1. Motor license agency procedure for simultaneous voter registration application with in-person driver license change of address or name [NEW]

230:15-5-102.3. Confidential information regarding voter registration services [NEW]

230:15-5-103. Passive voter registration application services in motor license agency [AMENDED]

230:15-5-104. ~~Motor~~ Department of Public Safety and motor license agency personnel responding to questions and/or requests for information about voter registration or election conduct [AMENDED]

230:15-5-105. Voter registration application services impartial and nonpartisan [AMENDED]

230:15-5-108. Transmitting completed Oklahoma Voter Registration Application forms ~~from motor license agency~~ to the State Election Board [AMENDED]

230:15-5-109. ~~Forms and supplies~~ Materials for voter registration application services in motor license agency [AMENDED]

230:15-5-110. Payment of motor license agents [AMENDED]

Part 27. Online Voter Registration Application Services [NEW]

230:15-5-140. Online submission of applications for voter registration authorized [NEW]

Subchapter 9. Receiving and Processing Voter Registration Applications

Part 1. Responsibilities of the State Election Board for Voter Registration

230:15-9-1. Secretary of State Election Board is chief state election official [AMENDED]

230:15-9-2. Voter registration applications transmitted to the State Election Board [AMENDED]

230:15-9-3. Processing paper voter registration applications received at the State Election Board [AMENDED]

230:15-9-4. Evidence of voter registration crimes obtained by State Election Board [AMENDED]

230:15-9-5. Processing voter registration cancellation information at the State Election Board [AMENDED]

Part 3. County Election Board Responsibility for Processing Voter Registration Applications

230:15-9-10. Responsibilities of the Secretary of the County Election Board [AMENDED]

Submissions to Governor and Legislature

- 230:15-9-11. Receiving voter registration applications at the County Election Board [AMENDED]
- 230:15-9-12. Processing paper voter registration applications at the County Election Board [AMENDED]
- 230:15-9-13. Evidence of voter registration crimes obtained by County Election Board [AMENDED]
- Part 5. Processing Voter Registration Applications
- 230:15-9-18. Entering paper applications for voter registration in MESA [AMENDED]
- 230:15-9-18.1. Assigning voter registration addresses in the Street Guide [AMENDED]
- 230:15-9-20. Processing applications for name change [AMENDED]
- 230:15-9-21. Processing applications for change of residence address or mailing address [AMENDED]
- 230:15-9-22. Processing applications for change of political affiliation [AMENDED]
- 230:15-9-22.1. Processing application for change of political affiliation during prohibited period [AMENDED]
- 230:15-9-26. Receiving, processing, and acknowledging electronic address changes from DPS [NEW]
- Part 7. Acknowledgment of Voter Registration Applications
- 230:15-9-29. Preparation of voter identification cards [AMENDED]
- Subchapter 11. Voter Registration List Maintenance
- Part 1. Cancellation of Voter Registration
- 230:15-11-2. Positive identification required [AMENDED]
- 230:15-11-5. Potential Deletion Report [AMENDED]
- 230:15-11-9. Potential Duplicates Report [AMENDED]
- Part 3. Voter Registration Address Confirmation
- 230:15-11-19. Voter registration address confirmation mailing [AMENDED]
- 230:15-11-22. Processing address confirmation return cards with change of residence address, mailing address, or name in the same county [AMENDED]
- 230:15-11-23. Processing address confirmation return cards that indicate a name change [REVOKED]
- 230:15-11-24. Processing address confirmation return cards with change of address outside the county [AMENDED]
- 230:15-11-30. Voters may respond to address confirmation notice online [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 30, 2018

[OAR Docket #18-362; filed 4-30-18]

TITLE 230. STATE ELECTION BOARD CHAPTER 20. CANDIDATE FILING

[OAR Docket #18-363]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

230:20-1-1. Purpose [AMENDED]

Subchapter 3. Filing Candidacy for Federal, State, and County, and Other Elective Office

Part 1. ~~When~~ Where, and How to File Candidacy for Elective Office

230:20-3-2. Candidates ~~filing for federal and state offices~~ file with Secretary of State Election Board [AMENDED]

230:20-3-3. Candidates ~~filing for county, school district, municipal, and other elective offices~~ file with Secretary of County Election Board [AMENDED]

230:20-3-4. Forms for filing Declaration of Candidacy for federal, state, county, school district, and statutory municipal offices prescribed by Secretary of the State Election Board [NEW]

230:20-3-5. Candidate swears oath to correctness of Declaration of Candidacy and to qualifications and eligibility for office sought [NEW]

230:20-3-6. Candidate's signature on forms included in Declaration of Candidacy [NEW]

Part 7. ~~Procedure for Filing State and County Election Board Procedures for Receiving, Reviewing, and Accepting~~ Declarations of Candidacy

230:20-3-30. Necessary form [REVOKED]

230:20-3-31. Service to potential candidates [REVOKED]

230:20-3-32. Declarations of Candidacy may be mailed or delivered-submitted in person or by mail [AMENDED]

230:20-3-32.1. Declarations of Candidacy shall not be accepted outside the prescribed hours of the candidate filing period [NEW]

230:20-3-33. Filing fees and petitions for federal, state, and county offices [AMENDED]

230:20-3-34. Personal checks, cash, money orders not acceptable [AMENDED]

230:20-3-35. Declarations must be notarized [AMENDED]

230:20-3-37. ~~Checking—Receiving, reviewing, and accepting~~ Declarations of Candidacy [AMENDED]

230:20-3-38. Candidate's name [AMENDED]

230:20-3-40. Assistance to candidates [REVOKED]

230:20-3-44. Candidates in restricted records status [AMENDED]

Part 9. Withdrawals of Candidates

230:20-3-49. Becoming a candidate again [AMENDED]

Subchapter 5. Contests of Candidacy

230:20-5-5. Date for hearing contest [AMENDED]

Subchapter 9. Petitions Supporting Declarations of Candidacy [NEW]

230:20-9-1. Petition form prescribed by the Secretary of the State Election Board [NEW]

230:20-9-2. Petition pages shall only include signatures of registered voters from a single county [NEW]

230:20-9-3. Signatures on petitions in support of a Declaration of Candidacy for federal, state, or county office [NEW]

230:20-9-4. Processing a petition supporting a Declaration of Candidacy [NEW]

Subchapter 11. Requirements for County Election Board Secretary Under the County Campaign Finance and Financial Disclosure Act [NEW]

230:20-11-1. Responsibilities of the County Election Board Secretary under the County Campaign Finance and Financial Disclosure Act [NEW]

230:20-11-2. Reports required by the County Campaign Finance and Financial Disclosure Act [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 30, 2018

[OAR Docket #18-363; filed 4-30-18]

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

[OAR Docket #18-364]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 17. Proofing of Ballots

230:25-17-5. Live ballot testing required prior to every election [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 30, 2018

[OAR Docket #18-364; filed 4-30-18]

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

[OAR Docket #18-365]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 7. Absentee Voting Boards

230:30-7-4. Appointments shall be made promptly [AMENDED]

230:30-7-6. Scheduling Absentee Voting Boards for an election [AMENDED]

230:30-7-6.2. Designation of in-person absentee polling place [AMENDED]

230:30-7-11.1. Preparation of polling place and voting device for in-person absentee voting [AMENDED]

230:30-7-11.2. Assistance for the in-person Absentee Voting Board [AMENDED]

230:30-7-11.3. Sheriff provides security for election results storage media and voted ballots [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 30, 2018

[OAR Docket #18-365; filed 4-30-18]

Withdrawn Rules

An agency may withdraw proposed PERMANENT rules prior to "final adoption," as defined in 75 O.S., Section 250.3(5), by notifying the Governor and the Legislature, and by publishing a notice of such a withdrawal in the *Register*.

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

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

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

[OAR Docket #18-359]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

WITHDRAWN RULES:

Subchapter 5. All Wrecker Operators
595:25-5-3. Operation [AMENDED]

DATES:

Adoption:

March 28, 2018

Submission of adopted rules to Governor and Legislature:

March 30, 2018

Withdrawn:

April 26, 2018

[OAR Docket #18-359; filed 4-26-18]

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

[OAR Docket #18-360]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

WITHDRAWN RULES:

595:35-1-10. Administrative penalty assessment guidelines
[AMENDED]

DATES:

Adoption:

March 28, 2018

Submission of adopted rules to Governor and Legislature:

March 30, 2018

Withdrawn:

April 26, 2018

[OAR Docket #18-360; filed 4-26-18]

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 710. OKLAHOMA TAX COMMISSION CHAPTER 90. WITHHOLDING

[OAR Docket #18-358]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions

710:90-1-5. [AMENDED]

710:90-1-6. [AMENDED]

710:90-1-7. [AMENDED]

710:90-1-11. [AMENDED]

AUTHORITY:

68 O.S. §§ 203, 2385.9, and 2385.15; Oklahoma Tax Commission

ADOPTION:

March 8, 2018 (Commission Order No. 2018-03-08-04)

APPROVED BY GOVERNOR:

April 18, 2018

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2019, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Following major changes in federal tax law, the IRS on February 28, 2018 issued a new Form W-4 to reflect this year's revised tax rates and brackets. The proposed emergency rules provide that employees wanting to make changes to Oklahoma withholding for 2018, shall complete and submit Oklahoma Form W-4. Therefore, an emergency exists in which emergency rules need to be put in effect in order for the Oklahoma Tax Commission to implement these changes to withholding.

GIST/ANALYSIS:

Sections 710:90-1-5, 710:90-1-6, 710:90-1-7, and 710:90-1-11 have been amended in response to the release of an updated W-4 by the Internal Revenue Service which reflects this year's revised tax rates and brackets.

CONTACT PERSON:

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

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

SUBCHAPTER 1. GENERAL PROVISIONS

710:90-1-5. ~~Employee exemption certificates and~~ **Employee's withholding allowances allowance certificate**

The marital status and number of withholding allowances an employee may claim in determining Oklahoma Income Tax to be withheld shall be the same as that claimed on a valid ~~employee exemption~~ employee's withholding allowance certificate (Federal Form W-4) as required by the Internal Revenue Service, provided Federal Form W-4 was executed prior to March 1, 2018. If changes to Oklahoma withholding should be made, or employment begins after February 28, 2018, employees shall submit a completed Oklahoma Form W-4 to their employer, except for certain special or additional allowances an employee may claim. An employer should advise an employee to decrease the number of allowances claimed on Federal Form W-4 by one for Oklahoma withholding purposes for each of the following allowances claimed to assist in the computation of adequate tax to be withheld:

- (1) ~~Any special allowance claimed by a single person with only one job;~~
- (2) ~~Any special allowance claimed by a married person whose spouse is not working;~~
- (3) ~~Any special allowance claimed by a person with two jobs where only one job pays more than \$2,500.00;~~
- (4) ~~Any special allowance claimed by a married person with two jobs or a working spouse if only one job paid more than \$2,500.00; or,~~
- (5) ~~Any additional allowance claimed by each person entitled to Head of Household status.~~

710:90-1-6. **Supplemental wages**

(a) **Treatment of supplemental wages combined with regular wages.** An employer who pays supplemental wages combined with regular wages and does not specify or separate the amount of each should withhold Income Tax as if the total payment were a single payment for a regular payroll period. Supplemental wages include bonuses, commissions, overtime pay, vacation pay, sick leave pay, back pay, retroactive wage increases or payment for nondeductible moving expenses.

Emergency Adoptions

(b) **Treatment of supplemental wages paid separately or combined in single payment.** Supplemental wages which are paid separately or combined in a single payment and the amount of each is specified, are subject to withholding according to one of the following methods:

(1) If you withhold tax from the regular wages use one of these two methods for supplemental wages:

(A) Withhold at the highest applicable rate set out in 68 O.S. Section 2355(B)(1) for Oklahoma Income Taxes for the taxable year; or

(B) Add the supplemental and regular wages for the most recent payroll period. Calculate the tax as if the total constitutes a single payment. Subtract the tax already withheld from the regular wages. Withhold the remaining tax from the supplemental wages.

(2) If tax was not withheld from an employee's regular wages, the provisions set out in (1)(B) of this subsection should be used. This situation would occur, for example, when the value of the employee's withholding allowances claimed on ~~Form W-4~~ is more than the wages.

(c) **Treatment of overtime, vacation, and sick pay.** Overtime pay, vacation pay, and sick pay are subject to Withholding Tax as if a regular wage payment. If paid in addition to the regular wage, it is considered a supplemental wage.

710:90-1-7. Computation of tax to be withheld

(a) Every employer making payment of wages subject to withholding shall deduct and withhold from the wages paid each employee, a tax in an amount determined in accordance with the table fixing graduated rates of tax to be withheld, unless otherwise provided. However, if the computer formula is used, the amounts for the ~~federal~~ personal exemption and for the ~~federal~~Oklahoma standard deduction may be updated as necessary annually to coincide with amounts allowed by the Internal Revenue Service for the ensuing tax year.

(b) Available to all employers filing Withholding Tax Returns are withholding tables:

(1) An optional table for married persons who file joint returns and both spouses work; and,

(2) A general table for all other categories of filing status. The Oklahoma Withholding Tax tables are based on gross wages and the standard deduction.

(c) If an employee determines that his or her Oklahoma Income Tax liability for the year will be more than the amount to be withheld, the employee may authorize an employer, if agreed, to withhold more tax than is required. This must be in writing and may be in any form.

(d) Married persons with working spouses may elect to have Oklahoma Income Tax withheld based on the optional tables devised for such persons.

(e) An employer has a duty to inform all employees of the measures and options available to ensure sufficient tax is withheld.

(f) If an employee fails to provide the employer ~~either a Federal Form W-4 or Oklahoma Form W-4~~, the employer must withhold tax as if the employee were a single person who has claimed no withholding allowances.

710:90-1-11. Records

(a) Required records described in this Section shall be kept accurately, but no particular form is required for keeping the records. Such forms and systems of accounting shall be used as will enable the Commission to determine whether liability for tax is incurred, and if so, the amount thereof.

(b) An employer must maintain required records for at least four years after the due date of such withholding tax for the return period to which the records relate, or the date the tax is paid, whichever is the later.

(c) The specific records required to be kept are:

(1) The employer's identification number;

(2) Copies of all returns, reports, and other documents concerning Oklahoma Withholding Tax to include the business registration, employer's return of tax withheld, annual reconciliation and appropriate wage and tax statements.

(3) Copies of Internal Revenue Service Forms 940 and 941, Oklahoma Employment Security Commission Form OES-3, and Oklahoma Employer's Return of Income Tax Withheld, Form 30003;

(4) The dates and amounts of Oklahoma Withholding Tax payments made and copies of cancelled checks;

(5) Each employee's name, address, occupation, social security number, and periods of employment;

(6) The total amount of and date of each wage payment and the period of time the payment covers;

(7) For each wage payment, the amount subject to withholding;

(8) The amount of Withholding Tax collected on each payment and the date it was collected;

(9) The employee's withholding allowance exemption certificate (Federal Form W-4 executed prior to March 1, 2018 or Oklahoma Form W-4) filed by each employee;

(10) Any agreement between the employer and the employee for the voluntary withholding of additional amounts of tax or of amounts which are not required to be withheld;

(11) A chart of accounts;

(12) Copies of filed Federal and State Income Tax Returns and supporting schedules; and

(13) Books of original entry, ledgers, and any other information necessary to substantiate the amount of tax withheld and paid or to support any reason the employer may have for not withholding Income Tax.

[OAR Docket #18-358; filed 4-26-18]

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

1:2018-14.

EXECUTIVE ORDER 2018-14

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, in recognition of Peace Officers Memorial Day, direct that appropriate steps be taken to fly all American flags and Oklahoma flags on State property at half-staff until 5:00 p.m. on Tuesday, May 15, 2018, to honor Federal, State, and local officers killed or disabled in the line of duty.

This executive order shall be forwarded to the Division of Capitol Assets Management who shall cause the provision of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 15th day of May, 2018.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Amy Canton
Acting Assistant Secretary of State

[OAR Docket #18-368; filed 5-15-18]

1:2018-15.

EXECUTIVE ORDER 2018-15

To the Cabinet Secretary of Health and Human Services and the Director of the Department of Human Services:

WHEREAS, there has been concern expressed regarding available agency options for Oklahomans who want to seek acceptance as a foster or adoptive parent;

WHEREAS, I remain committed to preserving the rights of all Oklahomans who are eligible and want to be considered for parenting;

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

The Department of Human Services shall immediately publish a list of Oklahoma licensed adoption agencies on its website who are willing to serve everyone who meets the Department of Human Services criteria for being a foster or adoptive parent.

Copies of the Executive Order shall be distributed to the Cabinet Secretary of Health and Human Services and the Director of the Oklahoma Department of Human 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 15th day of May, 2018.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Amy Canton
Acting Assistant Secretary of State

[OAR Docket #18-369; filed 5-15-18]