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

[OAR Docket #19-200]

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- 35:13-1-1. Incorporation by reference of federal distilled spirits for fuel use regulations [AMENDED]
- 35:13-1-2. Deleted regulations [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 27, 2019

[OAR Docket #19-200; filed 3-1-19]

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

[OAR Docket #19-201]

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- 35:15-1-2. Definitions [AMENDED]
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- 35:15-15-113. Entry requirements to an approved slaughter facility [REVOKED]
- Subchapter 22. Swine Pseudorabies and Brucellosis
- Part 1. General Provisions
- 35:15-22-4. Requirements for livestock auction markets [AMENDED]
- Subchapter 36. Scrapie
- 35:15-36-1. Incorporation by reference of federal regulations [AMENDED]
- 35:15-36-2. Deleted regulations [AMENDED]
- 35:15-36-3. Requirements for identification [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 27, 2019

[OAR Docket #19-201; filed 3-1-19]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 17. WATER QUALITY

[OAR Docket #19-202]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 5. Registered Poultry Feeding Operations
- 35:17-5-2. Definitions [AMENDED]
- 35:17-5-3.1. Setbacks for New or Expanding Construction of Poultry Barns [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-202; filed 3-1-19]

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

[OAR Docket #19-203]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 29. Fertilizer
 - Part 1. General
 - 35:30-29-22. General [AMENDED]
 - Subchapter 30. Soil Amendment
 - 35:30-30-2. Registration and fees [AMENDED]
 - Subchapter 45. Scrap Metal Dealers
 - 35:30-45-3. License required [AMENDED]
 - 35:30-45-9. Purchases, sales and records [AMENDED]
- ### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 27, 2019

[OAR Docket #19-203; filed 3-1-19]

Submissions to Governor and Legislature

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

[OAR Docket #19-204]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Meat Inspection

Part 1. General Provisions

35:37-3-1. Incorporation by reference of federal meat inspection regulations [AMENDED]

35:37-3-3. Deleted regulations [AMENDED]

Subchapter 5. Poultry Products Inspection

Part 1. General Provisions

35:37-5-1. Definitions and incorporation by reference of federal poultry inspection regulations [AMENDED]

35:37-5-2. Deleted regulations and exemptions [AMENDED]

Subchapter 17. Produce Safety

35:37-17-3. Incorporation by reference of federal produce safety regulations [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 27, 2019

[OAR Docket #19-204; filed 3-1-19]

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

[OAR Docket #19-205]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Aerial Management of Depredating Animals

35:48-3-14. Prohibited activities [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 27, 2019

[OAR Docket #19-205; filed 3-1-19]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS

[OAR Docket #19-206]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Standards of Care

35:55-3-1. Incorporation by reference [AMENDED]

35:55-3-6.1. Canine brucellosis [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 27, 2019

[OAR Docket #19-206; filed 3-1-19]

TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 10. LICENSURE OF CHIROPRACTIC PHYSICIANS

[OAR Docket #19-178]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Application, Examination and Licensing

140:10-3-1. [AMENDED]

140:10-3-2. [AMENDED]

140:10-3-6. [AMENDED]

Subchapter 5. Procedures for Renewal Licenses

140:10-5-1. [AMENDED]

140:10-5-3. [AMENDED]

Subchapter 8. Administrative Fees and Penalties

140:10-8-1.

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 25, 2019

[OAR Docket #19-178; filed 2-28-19]

TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 15. SPECIAL CERTIFICATES AND MISCELLANEOUS PROVISIONS

[OAR Docket #19-179]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 8. Animal Chiropractic Diagnosis and Treatment

140:15-8-1. [AMENDED]

140:15-8-2. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 25, 2019

[OAR Docket #19-179; filed 2-28-19]

**TITLE 165. CORPORATION COMMISSION
CHAPTER 20. GAS & HAZARDOUS LIQUID
PIPELINE SAFETY**

[OAR Docket #19-233]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 3. Pipeline Assessments
 - 165:20-3-1. Pipeline assessments [AMENDED]
- Subchapter 5. Safety Regulations for Gas Pipelines
 - Part 1. General Provisions
 - 165:20-5-1. Definitions [REVOKED]
 - 165:20-5-3. Annual reports and incident reports; federal reporting requirements [AMENDED]
 - 165:20-5-4. Change of ownership and/or operator [AMENDED]
 - Part 3. Telephonic Notice and Reporting Requirements
 - 165:20-5-11. Telephonic notice of certain incidents [AMENDED]
 - 165:20-5-14. Transmission and gathering systems reporting requirements [AMENDED]
 - 165:20-5-15. Telephonic notice of an evacuation of a building [REVOKED]
 - Part 5. Minimum Safety Standards for Gas
 - 165:20-5-21. Adoption of federal safety regulations [AMENDED]
 - Part 7. Pipeline Construction and Consumer Safety
 - 165:20-5-34. Restrictions on connections to consumers [REVOKED]
 - Part 9. Mandatory Participation in Oklahoma One Call
 - 165:20-5-41. Mandatory participation in Oklahoma One Call [AMENDED]
 - Subchapter 7. Safety Regulations for Hazardous Liquids
 - 165:20-7-1. Adoption of federal safety and reporting regulations [AMENDED]
 - 165:20-7-3. Mandatory participation in Oklahoma one call [AMENDED]
 - 165:20-7-4. Change of ownership and/or operator [AMENDED]
 - 165:20-7-6. Annual report [AMENDED]
 - Subchapter 13. Enforcement
 - Part 1. General
 - 165:20-13-1. Scope and fines [AMENDED]
 - 165:20-13-2. Service [AMENDED]
 - Part 3. Procedure
 - 165:20-13-11. General enforcement authority and sanctions [AMENDED]
 - Subchapter 15. Regulations for Grants to Aid State Pipeline Safety Programs
 - 165:20-15-1. Regulations for grants to aid state pipeline safety programs [AMENDED]
 - Subchapter 17. Obligations Under the Oklahoma Underground Facilities Damage Prevention Act Subject to Commission Enforcement

- 165:20-17-6. Positive Notification of Size and Material [NEW]
- 165:20-17-7. Immediate notice of excavation damages caused by excavator [NEW]
- 165:20-17-8. Written Report of damages caused by excavation [NEW]
- 165:20-17-9. Submitting a complaint about failure to follow the Oklahoma Underground Facilities Damage Prevention Act [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 8, 2019

[OAR Docket #19-233; filed 3-8-19]

**TITLE 165. CORPORATION COMMISSION
CHAPTER 30. MOTOR CARRIERS,
PRIVATE CARRIERS AND
TRANSPORTATION NETWORK
COMPANIES**

[OAR Docket #19-234]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 3. Intrastate Motor Carriers
 - Part 1. Applying for a License
 - 165:30-3-1. Obtaining a license [AMENDED]
 - 165:30-3-3. License and certificate renewals [AMENDED]
 - Part 3. License Requirements
 - 165:30-3-11. Insurance [AMENDED]
 - 165:30-3-13. Deleterious Substance Transport Permit [AMENDED]
 - 165:30-3-16. Current address requirement [AMENDED]
 - 165:30-3-17. Markings [AMENDED]
- Subchapter 6. Transportation Network Companies
 - Part 1. Applying for a Permit
 - 165:30-6-1. Obtaining a permit [AMENDED]
 - 165:30-6-5. Insurance [AMENDED]
 - Part 3. Conducting Operations
 - 165:30-6-17. Current address requirement [AMENDED]
- Subchapter 7. Procedural Rules
 - 165:30-7-5. Forms [AMENDED]
 - 165:30-7-6. Applications and requests [AMENDED]
 - 165:30-7-11. USDOT number [AMENDED]
 - 165:30-7-17. Insurance filing replacement [AMENDED]
- Subchapter 13. Intrastate Household Goods Certificates
 - Part 1. Obtaining Authority
 - 165:30-13-2. Obtaining a household goods certificate [AMENDED]
- Subchapter 15. Intrastate Private Carriers
 - Part 3. Obtaining a Private Carrier License and License Requirements
 - 165:30-15-4. Obtaining a license [AMENDED]
 - 165:30-15-6. Insurance [AMENDED]

Submissions to Governor and Legislature

165:30-15-7. Current address requirement [AMENDED]
Subchapter 17. Hazardous Waste Transporters
Part 5. Conducting Operations
165:30-17-34. Name Changes [AMENDED]
165:30-17-35. Address changes [AMENDED]
Subchapter 19. Registration Pursuant to the International
Registration Plan
165:30-19-3. Registration [AMENDED]
165:30-19-17. Temporary registration [AMENDED]
Subchapter 21. International Fuel Tax Agreement
165:30-21-5. Application for license [AMENDED]
Subchapter 25. Harvest Permits
165:30-25-1. Harvest Permits [AMENDED]
Subchapter 26. Nonconsensual Wrecker and Towing
Services
Part 1. Nonconsensual Wrecker and Towing Services Rate
Change Applications
165:30-26-3. Application; application package; and staff
response to filed application package
Part 3. Response to Nonconsensual Towing Rate
Complaints
165:30-26-12. Nonconsensual towing rate complaint
resolution and contesting a Violation Notification
[AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 8, 2019

[OAR Docket #19-234; filed 3-8-19]

TITLE 165. CORPORATION COMMISSION CHAPTER 32. RAILROADS

[OAR Docket #19-235]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
165:32-1-3. Definitions [AMENDED]
165:32-1-8. Blocking crossings [AMENDED]
165:32-1-10. Fences [AMENDED]
165:32-1-12. Penalties [AMENDED]
Subchapter 3. Railroad ~~Crossing~~ ~~Signal~~ ~~System~~
~~Safety~~ ~~Grade~~ ~~Crossings~~
165:32-3-4. Removal of crossing installations
[AMENDED]
165:32-3-6. Notice of Closure or Detour [AMENDED]
165:32-3-8. Crossing Surface Quality [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 8, 2019

[OAR Docket #19-235; filed 3-8-19]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 25. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES

[OAR Docket #19-239]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 7. Salary and Payroll
Part 1. Salary and Rate of Pay
260:25-7-11. [AMENDED]
260:25-7-12. [AMENDED]
Subchapter 9. Recruitment and Selection
Part 1. General Provisions
260:25-9-9. [AMENDED]
Subchapter 11. Employee Actions
Part 3. Probationary Employees
260:25-11-31. [AMENDED]
260:25-11-36. [AMENDED]
Part 5. Promotions
260:25-11-55. [AMENDED]
Part 11. Other Transactions
260:25-11-110. [AMENDED]
Subchapter 15. Time and Leave
Part 5. Miscellaneous Types of Leave
260:25-15-52. [AMENDED]
Subchapter 17. Performance Evaluation and Career
Enhancement
Part 9. Mandatory Supervisory Training
260:25-17-91. [AMENDED]
Part 11. Certified Public Manager Program
260:25-17-110. [AMENDED]
260:25-17-111. [AMENDED]
260:25-17-112. [AMENDED]
260:25-17-113. [AMENDED]
260:25-17-114. [AMENDED]
260:25-17-115. [AMENDED]
Part 13. Personnel Professional Training and Certification
260:25-17-130. [AMENDED]
260:25-17-132. [AMENDED]
260:25-17-138. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 8, 2019

[OAR Docket #19-239; filed 3-8-19]

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

[OAR Docket #19-236]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. Purpose, Definitions, Rules and References
- 260:45-1-1. Purpose [AMENDED]
- Subchapter 3. Records and Information
- 260:45-3-4. ~~HealthChoice authorization~~Authorization for release of medical records [AMENDED]
- Subchapter 5. Grievance Panel Procedures
- 260:45-5-1. Request for hearing [AMENDED]
- 260:45-5-4. Grievance hearings conducted by the three [3] member Grievance Panel [AMENDED]
- Subchapter 7. Declaratory Rulings [REVOKED]
- 260:45-7-1. Petitions for declaratory rulings [REVOKED]
- 260:45-7-2. Final rulings [REVOKED]
- 260:45-7-3. Judicial review [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 8, 2019

[OAR Docket #19-236; filed 3-8-19]

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

[OAR Docket #19-237]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. Purpose and Definitions
- 260:50-1-2. Definitions [AMENDED]
- Subchapter 3. Administration of Plans
- 260:50-3-5. Responsibility for premium payment [AMENDED]
- 260:50-3-9. Payment of HealthChoice health, dental and life benefits [AMENDED]
- 260:50-3-10. Timely filing of HealthChoice health and dental claims [AMENDED]
- 260:50-3-11. HealthChoice Examination [AMENDED]
- 260:50-3-16. Participating entities [AMENDED]
- 260:50-3-17. Dependents [AMENDED]
- 260:50-3-21. Continuation of coverage for survivors [AMENDED]

- 260:50-3-22. Mid-year benefit election changes [AMENDED]
- 260:50-3-25. Basic disclosure plan for HealthChoice Medicare beneficiaries [AMENDED]
- Subchapter 5. Coverage and Limitations
- Part 1. Policy Provisions
- 260:50-5-3. HealthChoice ~~approval~~Approval for emergency treatment by non-Network providers [AMENDED]
- Part 3. ~~The~~HealthChoice Plans
- 260:50-5-10. Plan limits [AMENDED]
- 260:50-5-11. Covered charges [AMENDED]
- Part 5. HealthChoice Life Benefits [AMENDED]
- Part 7. Limitations and Exclusions for Healthchoice Life Plan [AMENDED]
- Part 9. Healthchoice Dental Benefits, Limitations, and Exclusions
- 260:50-5-30. Scope of coverage; ~~four classes of coverage~~ [AMENDED]
- 260:50-5-32. HealthChoice Dental limitations and exclusions [AMENDED]
- Part 11. HealthChoice Medicare Supplement [AMENDED]
- Part 13. Coordination of Health and Dental Benefits [REVOKED]
- 260:50-5-44. Application of retiree benefit allowance [REVOKED]
- 260:50-5-45. Definitions [REVOKED]
- 260:50-5-46. Effect on benefits [REVOKED]
- 260:50-5-47. Facility of benefit payment [REVOKED]
- 260:50-5-48. Right of recovery [REVOKED]
- Part 15. HealthChoice Subrogation [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 8, 2019

[OAR Docket #19-237; filed 3-8-19]

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

[OAR Docket #19-238]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 260:55-1-1. Purpose [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 8, 2019

[OAR Docket #19-238; filed 3-8-19]

Submissions to Governor and Legislature

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

[OAR Docket #19-241]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

- Subchapter 1. General Provisions
- 260:115-1-2. Definitions [AMENDED]
- Subchapter 3. Supplier Provisions
- 260:115-3-3. Supplier registration [AMENDED]
- 260:115-3-7. Bid preparation [AMENDED]
- 260:115-3-9. Bid documents open for public inspection [AMENDED]
- 260:115-3-11. Bid submission [AMENDED]
- 260:115-3-19. Suppliers Protest [AMENDED]
- 260:115-3-21. Supplier suspension from Supplier List [AMENDED]
- 260:115-3-23. Supplier debarment [AMENDED]
- Subchapter 5. State Agency Provisions
- 260:115-5-3. Certified Procurement Officers (CPO) [AMENDED]
- 260:115-5-7. State agency purchasing procedures [AMENDED]
- 260:115-5-9. Retention of state agency acquisition records [AMENDED]
- 260:115-5-11. State agency acquisitions [AMENDED]
- 260:115-5-13. Authorized signatures for state agency procurement [AMENDED]
- 260:115-5-15. Agency savings reporting [AMENDED]
- 260:115-5-21. Procedures for state agency privatization contracts [AMENDED]
- Subchapter 7. Procurement
- Part 1. General Procurement
- 260:115-7-3. Methods state agencies use to make acquisitions [AMENDED]
- Part 3. Requirements for Acquisitions
- 260:115-7-15. Acquisitions over \$25,000.00 and not exceeding \$50,000.00 [AMENDED]
- 260:115-7-19. Emergency acquisitions [AMENDED]
- Part 5. Competitive Sealed Solicitations
- 260:115-7-30. Competitive sealed solicitations [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 8, 2019

[OAR Docket #19-241; filed 3-8-19]

TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 125. STATE EMPLOYEE SUGGESTION PROGRAMS

[OAR Docket #19-240]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions [NEW]
- 260:125-1-1. [NEW]
- 260:125-1-2. [NEW]
- Subchapter 3. State Employee Suggestion Program Requirements [NEW]
- 260:125-3-1. [NEW]
- 260:125-3-2. [NEW]
- 260:125-3-3. [NEW]
- 260:125-3-4. [NEW]
- 260:125-3-5. [NEW]
- 260:125-3-6. [NEW]
- 260:125-3-7. [NEW]
- Subchapter 5. State of Oklahoma Rights [NEW]
- 260:125-5-1. [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 8, 2019

[OAR Docket #19-240; filed 3-8-19]

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

[OAR Docket #19-207]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 325:1-1-2. Definitions [AMENDED]
- 325:1-1-7. Jurisdiction of Stewards to suspend or fine [AMENDED]
- 325:1-1-14. Location for information or filing with Commission offices [AMENDED]
- 325:1-1-17. Forms and instructions [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 1, 2019

[OAR Docket #19-207; filed 3-1-19]

**TITLE 325. OKLAHOMA HORSE RACING
COMMISSION
CHAPTER 15. LICENSING**

[OAR Docket #19-208]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions
- 325:15-1-2. Definitions [AMENDED]
- Subchapter 5. Occupation Licensing
- 325:15-5-18. Jockey Agent [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 1, 2019

[OAR Docket #19-208; filed 3-1-19]

**TITLE 325. OKLAHOMA HORSE RACING
COMMISSION
CHAPTER 20. RACING OFFICIALS AND
RACING PERSONNEL**

[OAR Docket #19-209]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 325:20-1-3. Racing officials [AMENDED]
- 325:20-1-6. Racing officials appointed by the Commission [AMENDED]
- 325:20-1-24. Duties of the Horse Identifier [AMENDED]
- 325:20-1-25. Duties of the Safety Steward [NEW]
- 325:20-1-26. Duties of the Outrider [NEW]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 1, 2019

[OAR Docket #19-209; filed 3-1-19]

**TITLE 325. OKLAHOMA HORSE RACING
COMMISSION
CHAPTER 25. ENTRIES AND
DECLARATIONS**

[OAR Docket #19-210]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 325:25-1-2. Definitions [AMENDED]
- 325:25-1-6. Determining eligibility [AMENDED]
- 325:25-1-10. Horses ineligible to start in a race [AMENDED]

325:25-1-32. Coggins test [AMENDED]
**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 1, 2019

[OAR Docket #19-210; filed 3-1-19]

**TITLE 325. OKLAHOMA HORSE RACING
COMMISSION
CHAPTER 30. CLAIMING RACES**

[OAR Docket #19-211]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 325:30-1-2. Definitions [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 1, 2019

[OAR Docket #19-211; filed 3-1-19]

**TITLE 325. OKLAHOMA HORSE RACING
COMMISSION
CHAPTER 35. GENERAL CONDUCT**

[OAR Docket #19-212]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 325:35-1-2. Definitions [AMENDED]
- 325:35-1-5. Trainer responsibility [AMENDED]
- 325:35-1-13. Possession of contraband [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 1, 2019

[OAR Docket #19-212; filed 3-1-19]

**TITLE 325. OKLAHOMA HORSE RACING
COMMISSION
CHAPTER 40. VETERINARIAN PRACTICES
AND RESTRICTION**

[OAR Docket #19-213]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 325:40-1-2. Definitions [AMENDED]
- 325:40-1-3. Veterinary practices - Treatment restricted [AMENDED]
- 325:40-1-5. Veterinarian reports [AMENDED]

Submissions to Governor and Legislature

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 1, 2019

[OAR Docket #19-213; filed 3-1-19]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 45. PROHIBITED PRACTICES AND EQUINE TESTING

[OAR Docket #19-214]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 325:45-1-2. Definitions [AMENDED]
- 325:45-1-6.1. Listed thresholds for Thoroughbreds [AMENDED]
- 325:45-1-6.2. Listed thresholds for Quarter Horses, Paints, and Appaloosas [AMENDED]
- 325:45-1-19. Official testing [AMENDED]
- 325:45-1-20. Split tests [AMENDED]
- 325:45-1-24. Substance classification and penalties [AMENDED]
- 325:45-1-27. Prohibited practices and certain penalties [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 1, 2019

[OAR Docket #19-214; filed 3-1-19]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 60. RUNNING THE RACE

[OAR Docket #19-215]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 325:60-1-2. Definitions [AMENDED]
- 325:60-1-3. Jockeys to report [AMENDED]
- 325:60-1-8. Use of equipment [AMENDED]
- 325:60-1-11. Safety helmets equipment required [AMENDED]
- 325:60-1-17. Start of the race [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 1, 2019

[OAR Docket #19-215; filed 3-1-19]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 65. PARI-MUTUEL WAGERING

[OAR Docket #19-216]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 9. Calculation of Payoffs and Distribution of Pools
- 325:65-9-6. Win Three pools [AMENDED]
- 325:65-9-7. Pick (n) Pools [AMENDED]
- 325:65-9-8. Place Pick (n) Pools [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 1, 2019

[OAR Docket #19-216; filed 3-1-19]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 70. OBJECTIONS AND PROTESTS; HEARINGS AND APPEALS

[OAR Docket #19-217]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 325:70-1-2. Definitions [AMENDED]
- 325:70-1-13.1. Entry of Appearance of Attorney, Withdrawal of Counsel, Address of Record, Change of Address [NEW]
- 325:70-1-14. Testimony and Evidence at Hearing [NEW]
- 325:70-1-20. Summary suspension of occupation licensee [AMENDED]
- 325:70-1-31. Pleadings [NEW]
- 325:70-1-32. Discovery [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 1, 2019

[OAR Docket #19-217; filed 3-1-19]

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

[OAR Docket #19-218]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 325:75-1-2. Definitions [AMENDED]
- 325:75-1-3. Definition of accredited Oklahoma-Bred Thoroughbreds [AMENDED]
- 325:75-1-3.1. Definition of Accredited Oklahoma-Bred Quarter Horse, Paint or Appaloosa [AMENDED]
- 325:75-1-19. Embryo transfer [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 1, 2019

[OAR Docket #19-218; filed 3-1-19]

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

[OAR Docket #19-188]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 8. Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule
- 340:2-8-1 through 2-8-14 [AMENDED]
- (Reference WF 19-2A)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-188; filed 3-1-19]

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

[OAR Docket #19-189]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 25. ~~Office of General Counsel~~ Legal Services
- 340:2-25-1 [AMENDED]
- 340:2-25-2 [REVOKED]
- (Reference WF 19-2D)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-189; filed 3-1-19]

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

[OAR Docket #19-190]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 14. Conditions of Eligibility - Immunizations
- 340:10-14-1 [AMENDED]
- (Reference WF 19-10)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-190; filed 3-1-19]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 15. STATE SUPPLEMENTAL PAYMENT AND THE SUPPLEMENTAL SECURITY INCOME-DISABLED CHILDREN'S PROGRAM

[OAR Docket #19-191]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. State Supplemental Payment
- 340:15-1-2 [AMENDED]
- 340:15-1-4 through 340:15-1-6 [AMENDED]
- Subchapter 3. Supplemental Security Income-Disabled Children's Program
- 340:15-3-1 [AMENDED]
- (Reference WF 19-15)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-191; filed 3-1-19]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 20. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

[OAR Docket #19-192]

RULEMAKING ACTION:

Submission to Governor and Legislature

Submissions to Governor and Legislature

RULES:

Subchapter 1. Low Income Home Energy Assistance Program

340:20-1-12 [AMENDED]

340:20-1-17 [AMENDED]

(Reference WF 19-20)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-192; filed 3-1-19]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 25. CHILD SUPPORT SERVICES

[OAR Docket #19-193]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Scope and Applicability

340:25-1-1.1 [AMENDED]

340:25-1-2 [AMENDED]

Subchapter 5. Operational Policies

Part 15. Case Initiation, Case Management, and Case Closure

340:25-5-110.1 [AMENDED]

340:25-5-124 [AMENDED]

Part 17. Past Support

340:25-5-140 through 340:25-5-140.1 [AMENDED]

Part 20. Medical Support

340:25-5-168 [AMENDED]

Part 21. Establishment

340:25-5-176 through 340:25-5-176.1 [AMENDED]

340:25-5-178 [AMENDED]

340:25-5-179.1 [AMENDED]

Part 22. Review and Modification

340:25-5-198 [AMENDED]

Part 23. Enforcement

340:25-5-200 [AMENDED]

340:25-5-212 [AMENDED]

340:25-5-214 [AMENDED]

Part 31. Consumer Reporting Agencies - Credit Bureaus

340:25-5-265 [AMENDED]

Part 37. Recovery

340:25-5-305 [AMENDED]

340:25-5-312 [REVOKED]

Part 39. Accounting and Distribution

340:25-5-350.1 [REVOKED]

340:25-5-350.3 [AMENDED]

340:25-5-351 [AMENDED]

(Reference WF 19-25)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-193; filed 3-1-19]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 50. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

[OAR Docket #19-194]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

340:50-1-1 [AMENDED]

Subchapter 3. Application Process

340:50-3-1 through 340:50-3-2 [AMENDED]

Subchapter 5. Non-Financial Eligibility Criteria

Part 1. Household Definition

340:50-5-10.1 [AMENDED]

Part 3. Special Households

340:50-5-28 [AMENDED]

Part 9. Work Registration

340:50-5-94 [AMENDED]

Part 11. Oklahoma (OK) Supplemental Nutrition Assistance Program (SNAP) ~~Employment and Training Program~~ Works

340:50-5-106 [AMENDED]

Subchapter 7. Financial Eligibility Criteria

Part 3. Income

340:50-7-22 [AMENDED]

340:50-7-29 through 340:50-7-31 [AMENDED]

Part 5. Determination of Income

340:50-7-46 [AMENDED]

Subchapter 9. Eligibility and Benefit Determination Procedures

340:50-9-1 [AMENDED]

340:50-9-5 [AMENDED]

Subchapter 10. Electronic Benefit Transfer (EBT)

340:50-10-1 [AMENDED]

340:50-10-3 [AMENDED]

340:50-10-5 [AMENDED]

340:50-10-9 [AMENDED]

Subchapter 11. Special Procedures

Part 1. Households Entitled to Expedited Service

340:50-11-5 [AMENDED]

Part 3. Simplified Supplemental Nutrition Assistance Program (SSNAP) for Temporary Assistance for Needy Families (TANF) and Companion State Supplemental Payment (SSP) Recipient(s)

340:50-11-20 [AMENDED]

Part 5. Restoration of Lost Benefits

340:50-11-46 [AMENDED]

Part 9. Disaster Procedures and Reporting Requirements
340:50-11-86 [AMENDED]
Subchapter 13. Fair Hearings and Quality Control
340:50-13-2 [AMENDED]

(Reference WF 19-50)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-194; filed 3-1-19]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 65. PUBLIC ASSISTANCE PROCEDURES**

[OAR Docket #19-195]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
340:65-1-2 [AMENDED]
Subchapter 3. Eligibility for Benefits
340:65-3-2 [AMENDED]
340:65-3-6 [AMENDED]

(Reference WF 19-65)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-195; filed 3-1-19]

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

[OAR Docket #19-196]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions of Child Welfare Services
Part 1. Scope and Applicability
340:75-1-16.1 [AMENDED]
Subchapter 3. Child Protective Services
Part 1. Purpose, Definitions, and Child Abuse and Neglect Hotline Protocol
340:75-3-140 [AMENDED]
Part 4. Specialized Investigative Protocols, Child Death or Near-Death Reporting Protocols
340:75-3-410 [AMENDED]
340:75-3-460 [AMENDED]
Part 5. Investigative Findings and Appeals
340:75-3-530 [AMENDED]

Subchapter 6. Permanency Planning
Part 5. Permanency Planning Services
340:75-6-31 through 340:75-6-31.1 [AMENDED]
Part 8. Child Welfare Specialist Role
340:75-6-50 [AMENDED]
Part 11. Permanency Planning and Placement Services
340:75-6-88 [REVOKED]
Subchapter 7. Foster Home Care
Part 2. Development of Resource Families
340:75-7-15 [AMENDED]
Part 4. Roles and Responsibilities
340:75-7-37 [AMENDED]
Part 8. Resource Home Continuous Quality Assessment
340:75-7-94 [AMENDED]
Subchapter 8. Therapeutic Foster Care and Developmental Disabilities Services
Part 1. Therapeutic Foster Care
340:75-8-6 [AMENDED]
340:75-8-12 [AMENDED]
Subchapter 11. Child Welfare Community-Based Residential Care
Part 17. Contracted Community-Based Residential Care Providers
340:75-11-240 [AMENDED]
Subchapter 12. OKDHS Operated Group Homes [REVOKED]
340:75-12-1 through 340:75-12-16 [REVOKED]
Subchapter 13. Other Child Welfare Services and Medical Services for Children in Out-of-Home Care
Part 7. Medical Services
340:75-13-61 [AMENDED]
Subchapter 14. Well-Being [NEW]
340:75-14-1 [NEW]
340:75-14-3 [NEW]
Subchapter 15. Adoptions
Part 10. Family Assessment and Preparation Process
340:75-15-84.1 [AMENDED]
340:75-15-89 [AMENDED]
(Reference WF 19-75)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-196; filed 3-1-19]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 100. DEVELOPMENTAL DISABILITIES SERVICES**

[OAR Docket #19-197]

RULEMAKING ACTION:

Submission to Governor and Legislature

Submissions to Governor and Legislature

RULES:

Subchapter 3. Administration
Part 1. General Administration
340:100-3-5 through 340:100-3-5.1 [AMENDED]
340:100-3-5.2 [AMENDED]
Part 3. Administration
340:100-3-40 [AMENDED]
Subchapter 17. Employment Services
Part 3. State-Funded Employment (Sheltered Workshop) Services
340:100-17-16 [AMENDED]
Part 5. Other State-Funded Employment Services
340:100-17-30 [REVOKED]
Subchapter 18. Licensing
340:100-18-1 [AMENDED]

(Reference WF 19-100)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-197; filed 3-1-19]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 110. LICENSING SERVICES

[OAR Docket #19-198]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
Part 1. Licensing Services - Child Care
340:110-1-8 [AMENDED]
340:110-1-9.3 [AMENDED]
Part 3. Licensing Services - Residential Care and Agencies
340:110-1-46 [AMENDED]
340:110-1-47.2 [AMENDED]

(Reference WF 19-110A)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-198; filed 3-1-19]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 110. LICENSING SERVICES

[OAR Docket #19-199]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care

340:110-1-5 [AMENDED]

340:110-1-8.3 [AMENDED]

340:110-1-8.6 [AMENDED]

340:110-1-9 [AMENDED]

340:110-1-15 [AMENDED]

340:110-1-17 [AMENDED]

Part 3. Licensing Services-Residential Care and Agencies

340:110-1-54 [AMENDED]

Subchapter 3. Licensing Standards for Child Care Facilities

Part 15. Requirements for Child Care Centers, Day Camps,

Drop-In Programs, Out-of-School Time Programs,

Part-Day Programs and Programs for Sick Children

340:110-3-281.3 [AMENDED]

340:110-3-284.2 [AMENDED]

Subchapter 5. Requirements for Child-Placing Agencies

Part 3. Requirements for Adoption Agencies

340:110-5-30 [AMENDED]

Part 5. Requirements for Foster Home Agencies

340:110-5-59 [AMENDED]

340:110-5-61.1 [AMENDED]

(Reference WF 18-15)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-199; filed 3-1-19]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #19-183]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Administrative Review and Hearings

590:1-3-13 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 27, 2019

[OAR Docket #19-183; filed 2-28-19]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 10. PUBLIC EMPLOYEES RETIREMENT SYSTEM

[OAR Docket #19-184]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 3. Credited Service
- 590:10-3-6 [AMENDED]
- 590:10-3-8 [AMENDED]
- 590:10-3-9 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 27, 2019

[OAR Docket #19-184; filed 2-28-19]

**TITLE 590. OKLAHOMA PUBLIC
EMPLOYEES RETIREMENT SYSTEM
CHAPTER 25. DEFERRED
COMPENSATION**

[OAR Docket #19-185]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 3. Election to Defer Compensation
- 590:25-3-3 [AMENDED]
- Subchapter 9. Benefits
- 590:25-9-9 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 27, 2019

[OAR Docket #19-185; filed 2-28-19]

**TITLE 590. OKLAHOMA PUBLIC
EMPLOYEES RETIREMENT SYSTEM
CHAPTER 35. DEFERRED SAVINGS
INCENTIVE PLAN**

[OAR Docket #19-186]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 13. Benefits and Distributions
- 590:35-13-6 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 27, 2019

[OAR Docket #19-186; filed 2-28-19]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #19-221]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

- Subchapter 3. Public Policy
- Part 11. Public Records
- 710:1-3-71 [AMENDED]
- 710:1-3-72 [AMENDED]
- Part 13. Other Policy Provisions
- 710:1-3-80 [AMENDED]
- Subchapter 5. Practice and Procedure
- Part 3. Description of Administrative Review and Hearings
- 710:1-5-14.1 [NEW]
- Part 8. Settlement of Tax Liability
- 710:1-5-86 [AMENDED]
- 710:1-5-88 [AMENDED]
- 710:1-5-89 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-221; filed 3-6-19]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 10. AD VALOREM**

[OAR Docket #19-222]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

- Subchapter 3. Equalization Study
- Part 3. Data Collection
- 710:10-3-36 [AMENDED]
- Subchapter 11. Reimbursements and Assistance to Counties
- 710:10-11-1 [REVOKED]
- 710:10-11-2 [REVOKED]
- 710:10-11-13 [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-222; filed 3-6-19]

Submissions to Governor and Legislature

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 15. AIRCRAFT

[OAR Docket #19-223]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 2. Aircraft Dealer Licenses

710:15-2-7 [AMENDED]

710:15-2-8 [AMENDED]

Subchapter 3. Registration

Part 7. Exemptions

710:15-3-30 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-223; filed 3-6-19]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 20. ALCOHOL AND MIXED BEVERAGES

[OAR Docket #19-224]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 1. General Provisions

710:20-1-2 [AMENDED]

Subchapter 3. Alcoholic Beverages

710:20-3-2 [AMENDED]

710:20-3-5 [AMENDED]

710:20-3-6 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-224; filed 3-6-19]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 45. GROSS PRODUCTION

[OAR Docket #19-225]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 1. General Provisions

710:45-1-2 [AMENDED]

Subchapter 3. Payment; Remittance; Refunds

710:45-3-3 [AMENDED]

710:45-3-4 [AMENDED]

710:45-3-11 [AMENDED]

Subchapter 9. Exemptions and Exclusions

Part 1. General Provisions

710:45-9-2 [REVOKED]

Part 5. Horizontally Drilled Production Wells [REVOKED]

710:45-9-20 [REVOKED]

710:45-9-21 [REVOKED]

710:45-9-23 [REVOKED]

710:45-9-24 [REVOKED]

710:45-9-26 [REVOKED]

710:45-9-27 [REVOKED]

Part 7. Incremental Production from Enhanced Recovery
Projects or Properties [REVOKED]

710:45-9-30 [REVOKED]

710:45-9-31 [REVOKED]

710:45-9-32 [REVOKED]

710:45-9-32.1 [REVOKED]

710:45-9-33 [REVOKED]

710:45-9-34 [REVOKED]

710:45-9-35 [REVOKED]

Part 9. Production Enhancement Projects [REVOKED]

710:45-9-40 [REVOKED]

710:45-9-41 [REVOKED]

710:45-9-42 [REVOKED]

710:45-9-43 [REVOKED]

Part 11. Reestablishment of Production from an Inactive
Well [REVOKED]

710:45-9-50 [REVOKED]

710:45-9-51 [REVOKED]

710:45-9-52 [REVOKED]

710:45-9-53 [REVOKED]

Part 13. Deep Wells [REVOKED]

710:45-9-60 [REVOKED]

710:45-9-62 [REVOKED]

710:45-9-62.1 [REVOKED]

710:45-9-64 [REVOKED]

Part 15. New Discovery Wells [REVOKED]

710:45-9-70 [REVOKED]

710:45-9-71 [REVOKED]

710:45-9-72 [REVOKED]

710:45-9-73 [REVOKED]

Part 19. Production Using Three Dimensional Seismic
Shoots [REVOKED]

710:45-9-90 [REVOKED]

710:45-9-91 [REVOKED]

710:45-9-92 [REVOKED]

710:45-9-93 [REVOKED]

710:45-9-94 [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-225; filed 3-6-19]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 50. INCOME**

[OAR Docket #19-226]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

- Subchapter 3. Returns and Reports
- Part 7. Other Required Reporting
- 710:50-3-53 [AMENDED]
- 710:50-3-55 [AMENDED]
- Subchapter 5. Audit and Assessment
- Part 3. Assessments
- 710:50-5-13 [AMENDED]
- Subchapter 12. Treasury Offset Program
- 710:50-12-7 [AMENDED]
- Subchapter 15. Oklahoma Taxable Income
- Part 5. Other Adjustments to Income
- 710:50-15-50 [AMENDED]
- Part 7. Credits Against Tax
- 710:50-15-76 [AMENDED]
- 710:50-15-83 [AMENDED]
- 710:50-15-103 [AMENDED]
- 710:50-15-106 [REVOKED]
- 710:50-15-107 [REVOKED]
- 710:50-15-116 [NEW]
- Subchapter 17. Oklahoma Taxable Income for Corporations
- Part 5. Determination of Taxable Corporate Income
- 710:50-17-51 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-226; filed 3-6-19]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 60. MOTOR VEHICLES**

[OAR Docket #19-227]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

- Subchapter 3. Registration and Licensing
- Part 1. General Provisions
- 710:60-3-10 [AMENDED]
- 710:60-3-19 [REVOKED]
- 710:60-3-28 [NEW]
- Part 3. Penalties
- 710:60-3-33 [AMENDED]
- 710:60-3-34 [REVOKED]

- Part 5. Dealers
- 710:60-3-54 [AMENDED]
- Part 15. Special License Plates
- 710:60-3-162 [AMENDED]
- 710:60-3-164 [AMENDED]
- 710:60-3-168 [AMENDED]
- 710:60-3-184 [AMENDED]
- Subchapter 5. Motor Vehicle Titles
- Part 5. Certificates of Title
- 710:60-5-51 [AMENDED]
- 710:60-5-55 [AMENDED]
- Subchapter 9. Motor Vehicle License Agents/Agencies
- Part 11. Agency Operation
- 710:60-9-120 [AMENDED]
- Part 13. Provisions for Motor License Agent Application and Appointment
- 710:60-9-133 [AMENDED]
- 710:60-9-134 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-227; filed 3-6-19]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 65. SALES AND USE TAX**

[OAR Docket #19-228]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

- Subchapter 1. General Provisions
- 710:65-1-2 [AMENDED]
- Subchapter 9. Permits
- 710:65-9-5 [AMENDED]
- Subchapter 18. Sourcing Pursuant to the Streamlined Sales and Use Tax Administration Act
- 710:65-18-10 [AMENDED]
- Subchapter 19. Specific Applications and Examples
- Part 11. "F"
- 710:65-19-110 [AMENDED]
- Part 17. "I"
- 710:65-19-158 [REVOKED]
- Part 23. "L"
- 710:65-19-191 [AMENDED]
- Part 25. "M"
- 710:65-19-216 [NEW]
- Part 31. "P"
- 710:65-19-260 [AMENDED]
- Part 45. "W"
- 710:65-19-365 [AMENDED]

Submissions to Governor and Legislature

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-228; filed 3-6-19]

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TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 70. TOBACCO, TOBACCO PRODUCTS, AND CIGARETTES

[OAR Docket #19-229]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 2. Cigarette Stamp Tax

Part 1. General Provisions

710:70-2-9 [REVOKED]

Subchapter 5. Excise on Tobacco Products

710:70-5-12 [REVOKED]

Subchapter 7. Cigarette and Tobacco Products Sales by Federally Recognized Indian Tribes and Nations

710:70-7-8 [REVOKED]

710:70-7-9 [REVOKED]

710:70-7-10 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-229; filed 3-6-19]

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TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 85. VARIOUS TAX INCENTIVES

[OAR Docket #19-230]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 1. Oklahoma Quality Jobs Program

710:85-1-10 [AMENDED]

Subchapter 3. Saving Quality Jobs Program [REVOKED]

Part 1. General Provisions [REVOKED]

710:85-3-1 [REVOKED]

710:85-3-2 [REVOKED]

Part 3. Premium Payment Program [REVOKED]

710:85-3-30 [REVOKED]

710:85-3-31 [REVOKED]

710:85-3-32 [REVOKED]

710:85-3-33 [REVOKED]

710:85-3-34 [REVOKED]

710:85-3-35 [REVOKED]

710:85-3-36 [REVOKED]

710:85-3-37 [REVOKED]

710:85-3-38 [REVOKED]

Part 5. High Impact Projects [REVOKED]

710:85-3-50 [REVOKED]

710:85-3-51 [REVOKED]

710:85-3-52 [REVOKED]

710:85-3-53 [REVOKED]

710:85-3-54 [REVOKED]

710:85-3-55 [REVOKED]

710:85-3-56 [REVOKED]

710:85-3-57 [REVOKED]

Subchapter 7. Oklahoma Film Enhancement Rebate Program

710:85-7-3 [AMENDED]

Subchapter 9. Oklahoma Quality Investment Act

710:85-9-2 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-230; filed 3-6-19]

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TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 90. WITHHOLDING

[OAR Docket #19-231]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED 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]

Subchapter 3. Returns and Payments

710:90-3-10 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-231; filed 3-6-19]

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TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 95. MISCELLANEOUS AREAS OF REGULATORY AND ADMINISTRATIVE AUTHORITY

[OAR Docket #19-232]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

- Subchapter 9. Professional Licensing Compliance Review
710:95-9-3 [AMENDED]
- Subchapter 11. State Employees Compliance Review
710:95-11-3 [AMENDED]
- Subchapter 21. Quality Events
710:95-21-2 [AMENDED]
710:95-21-4 [AMENDED]
710:95-21-5 [AMENDED]
710:95-21-6 [AMENDED]
710:95-21-8 [AMENDED]
710:95-21-9 [AMENDED]
710:95-21-10 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 28, 2019

[OAR Docket #19-232; filed 3-6-19]

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

[OAR Docket #19-219]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- 715:1-1-1 [AMENDED]
- 715:1-1-10 [AMENDED]
- 715:1-1-13 [AMENDED]
- 715:1-1-19 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 6, 2019

[OAR Docket #19-219; filed 3-6-19]

**TITLE 715. TEACHERS' RETIREMENT SYSTEM
CHAPTER 10. GENERAL OPERATIONS**

[OAR Docket #19-220]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 3. Service Eligibility
715:10-3-1 [AMENDED]
- Subchapter 5. Establishing Other Service Credits
715:10-5-4 [AMENDED]
715:10-5-9 [AMENDED]
715:10-5-15 [AMENDED]
715:10-5-25 [AMENDED]
715:10-5-35 [AMENDED]
715:10-5-37 [NEW]
- Subchapter 9. Survivor Benefits
715:10-9-1 [AMENDED]
715:10-9-2 [NEW]
715:10-9-6 [AMENDED]
715:10-9-8 [NEW]
- Subchapter 11. Withdrawal from Membership and Refund of Deposits
715:10-11-1 [AMENDED]
715:10-11-7 [AMENDED]
- Subchapter 13. Contributions for Membership Service
715:10-13-3 [AMENDED]
715:10-13-13 [AMENDED]
- Subchapter 15. Service Retirement
715:10-15-5 [AMENDED]
715:10-15-7.2 [AMENDED]
715:10-15-10.1 [AMENDED]
715:10-15-11 [AMENDED]
715:10-15-15 [AMENDED]
715:10-15-16 [AMENDED]
- Subchapter 17. Post-Retirement Employment
715:10-17-13 [AMENDED]
- Subchapter 25. Qualified Domestic Order
715:10-25-2 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 6, 2019

[OAR Docket #19-220; filed 3-6-19]

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

[OAR Docket #19-187]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. Initial Application
340:40-3-1 [AMENDED]
Subchapter 5. Child Care Plan
340:40-5-1 [AMENDED]
Subchapter 7. Eligibility
340:40-7-1 [AMENDED]
340:40-7-7 [AMENDED]
340:40-7-10 [AMENDED]
340:40-7-12 and 340:40-7-13 [AMENDED]
Subchapter 9. Procedures Relating to Case Changes
340:40-9-1 [AMENDED]
340:40-9-2 [AMENDED]
(Reference WF 18-17)

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Section 658A of the Child Care Development Block Grant Act of 2014 [Public Law 113-186]; and Sections 98.11, 98.16, and 98.20 through 98.21 of Title 45 of the Code of Federal Regulations.

ADOPTION:

January 7, 2019

EFFECTIVE:

Immediately upon Governor's approval or March 1, 2019, whichever is later

APPROVED BY GOVERNOR:

February 8, 2019

EXPIRATION:

Effective through September 14, 2020, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Emergency rulemaking approval is requested in order to meet the federal deadline for obligating the increased discretionary Child Care Development Fund (CCDF) funding received as a result of passage of the Bipartisan Budget Act of 2018. Failure to obligate the increased funding may result in loss of the funding. Loss of the funding would detrimentally affect low income families and child care providers.

GIST/ANALYSIS:

DHS received increased discretionary CCDF funding as a result of passage of the Bipartisan Budget Act of 2018 and must obligate the funding before

September 2019. The additional funding was used to: (1) provide a child care provider rate increase that was effective August 1, 2018; (2) make changes to Appendix C-4, Child Care Eligibility/Copayment Chart to increase the number of families eligible for high quality, subsidized child care by: (a) eliminating an entry and exit income threshold and raising the income threshold to the federal income threshold; (b) no longer increasing the family share copayment when the number of children in care increases; (3) removing the graduated phase out of care provision; and (4) treat high quality Oklahoma Early Childhood Program (OECF) facilities the same as Early Head Start-Child Care Partnership (EHS-CCP) grant programs by approving children attending an OECF facility for a weekly unit type, exempting household income when a child attends an OECF facility as long as the family is income eligible for child care subsidy benefits, and exempting OECF facilities from the requirement to charge all parents for the hours child care subsidy payment is requested.

CONTACT PERSON:

Dena Thayer at 405-521-4326

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR MARCH 1, 2019, WHICHEVER IS LATER:

SUBCHAPTER 3. INITIAL APPLICATION

340:40-3-1. Application process

(a) **Application process.** The application process for subsidized child care benefits begins with a request for benefits and ends with an eligibility determination. Application approval is subject to available funding. Subsidized child care benefits must be synchronized with the client's food benefits or Sooner-Care (Medicaid) benefits per Oklahoma Administrative Code (OAC) 340:40-9-1~~(g)~~(f). Child Welfare Services or Adult and Family Services (AFS) staff ~~process~~processes the application.

(1) **When an application is required.** An application is required, when:

- (A) an applicant initially applies for subsidized child care benefits. Refer to (c)(2) of this Section when an application is denied;
- (B) the client's subsidized child care benefits are closed for more than 30-calendar days;

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- (C) the payee for the subsidized child care benefits changes; or
- (D) the family income was not considered because OAC 340:40-7-12(6) policy applied and one or more of the affected adopted children turns 6 years of age unless there is already a separate open income eligible case and the child can be added to that case per OAC 340:40-9-2(d).
- (2) **Who can apply.** An applicant or the applicant's authorized representative may apply for subsidized child care benefits. When an authorized representative applies on behalf of an applicant, he or she must bring a signed statement from the applicant giving the person permission to act on behalf of the applicant or the applicant must have designated the person as his or her authorized representative on the signed application.
- (A) When the natural or adoptive parent or stepparent lives with the child, he or she is considered the applicant and eligibility is based on the parent's situation regardless of whether he or she has custody of the child.
- (B) When both the natural and adoptive parent of the child live in the same household and the adoption is final, the adoptive parent is considered the applicant and eligibility is based on the adoptive parent's situation.
- (C) When the natural or adoptive parent or stepparent is not in the home, the person acting in the role of the parent, referred to as the caretaker, is the applicant. The caretaker may or may not be related to the child.
- (D) When the child's parent is a minor, either the minor parent or the responsible adult the minor lives with can be considered the applicant for the subsidized child care benefits. Eligibility is based on the minor parent's situation.
- (E) When the natural or adoptive parent lives in the home but is too incapacitated to apply, another person living in the home may apply for the natural or adoptive parent. The other person must provide proof of the parent's inability to apply.
- (3) **Application.** An applicant or the applicant's authorized representative completes and signs an application to apply for subsidized child care benefits. When the applicant requests child care for a child with disabilities, the worker gives Form 08AD006E, Certification for Special Needs Rate for Licensed Child Care Homes and Centers, to the applicant.
- (4) **Request date.** The request date, known as the application date for other Adult and Family Services programs, is the date the applicant requests subsidized child care benefits verbally or in writing.
- (5) **Certification date.** The certification date is the date the applicant or the applicant's authorized representative completes the child care interview and provides all necessary verification to the county office, including the name of the child care provider the client chooses to use.
- (A) The provider must have a valid Oklahoma Department of Human Services (DHS) child care provider contract.
- (B) Refer to OAC 340:40-5-1(7) for reasons an applicant cannot choose certain child care providers.
- (C) For applicants choosing an in-home provider, refer to OAC 340:40-13-1 and 340:40-13-2.
- (6) **Child care interview.** Child care interviews may be completed face-to-face or over the phone with the applicant or authorized representative.
- (7) **Explanation of eligibility factors.** At the time of the initial interview, the worker informs the applicant or authorized representative of:
- (A) his or her rights and responsibilities;
- (B) all factors of eligibility including the requirement that the chosen child care provider be contracted with DHS;
- (C) the child care plan and reason child care may be approved based on the applicant's statements at interview;
- (D) the applicant's electronic benefit transfer (EBT) responsibilities including viewing the client training video;
- (E) the earliest date child care can be approved;
- (F) the requirement to cooperate with the DHS Office of Inspector General during any audit or investigation of the applicant or the provider the applicant uses for child care; and
- (G) the requirement to report within 10-calendar days when household income exceeds the ~~federal~~ eligibility threshold per DHS Appendix C-4, Child Care Eligibility/Copayment Chart, ~~Schedule H~~. At certification and renewal, a computer-generated notice issues to inform the client of the current, ~~federal~~ eligibility threshold for his or her family size.
- (8) **Timeliness.** To be considered timely, the worker must determine eligibility within two-business days of receiving all necessary verification to certify or deny the application.
- (A) When the applicant does not provide requested verification, the worker denies the request within 30-calendar days of the request date.
- (B) When eligibility is not determined within 30-calendar days, the worker sends Form 08MP038E, Client Notice of Action Taken, explaining the reason for delay.
- (9) **Right to appeal.** The applicant has the right to appeal the untimely processing of a child care request or the decision of eligibility or ineligibility per OAC 340:2-5.
- (b) **Presumptive eligibility processing.** The worker may presumptively approve a maximum of 30-calendar days of child care prior to making a complete eligibility determination when a reason described in (1) of this paragraph applies.
- (1) Reasons include, when the applicant:
- (A) is in danger of losing a job or cannot start a new job unless child care is immediately approved. In this circumstance it must be out of the applicant's control

to provide required verification and the applicant does not have the money to pay toward the cost of child care;

(B) is employed but has not received pay from the job and is not guaranteed a wage because he or she is self-employed or works on a commission-only basis. Further care is not approved until the applicant provides proof he or she received earnings from the job;

(C) requests protective or preventive child care per OAC 340:40-7-8(f); or

(D) requests good cause for refusal to cooperate in pursuing child support with Child Support Services per OAC 340:40-7-9 and has not provided good cause proof yet. Further care is not approved until the applicant provides good cause proof that supports the good cause claim.

(2) The worker gives or sends the applicant Form 08AD092E, Client Contact and Information Request, to inform the applicant what he or she needs to provide before further care is approved.

(c) **Eligibility determination.** The worker determines the applicant's eligibility to receive child care subsidy benefits based on eligibility conditions per OAC 340:40-7. The applicant must meet a need factor within 30-calendar days of the request date. After calculating family income, the worker uses DHS Appendix C-4, Child Care Eligibility/Copayment Chart, ~~Schedule I-A or I-B~~ to determine if the household meets the income guidelines eligibility threshold. Refer to OAC 340:40-5-1(8) and 340:40-7-10 through 340:40-7-13 for information regarding income determination.

(1) **Applicant determined eligible.** The earliest date the worker approves subsidized child care benefits is the date the applicant completes the child care interview and provides all necessary verification to determine eligibility. The worker certifies the applicant for a 12-month eligibility period per Section 98.21 of Title 45 of the Code of Federal Regulations. The applicant is responsible for child care used before the certification date.

(A) The client swipes attendance with his or her EBT card through a point-of-service machine at the child care facility.

(B) DHS does not pay for care for any day the child attends child care when the client fails to swipe attendance, unless extenuating circumstances exist beyond the control of the client or provider.

(C) When the client fails to swipe attendance, he or she is responsible for any care provided that day and may be responsible for any absent day payment DHS pays, when all of the days the child attended were recorded.

(2) **Applicant determined ineligible.** The worker denies the child care request or application when the applicant completes the application process and is determined ineligible, does not provide needed verification, or fails to cooperate in determining eligibility.

(A) When the applicant is determined ineligible after completing the application process and providing

necessary verification, a new application is required regardless of the original request date.

(B) When the worker denies the application because the applicant did not provide required verification, including choice of provider, a new application is not needed when the applicant completes the application process and provides necessary verification within 60-calendar days of the original request date.

(C) When the worker denies the application because the applicant fails to cooperate in determining eligibility, a new application is not required when the applicant cooperates within 30-calendar days of the original request date.

SUBCHAPTER 5. CHILD CARE PLAN

340:40-5-1. Child care plan

Providing child care is part of an overall plan of service designed to help the parent or caretaker, with whom the child lives, achieve his or her maximum potential for self-support. Quality child care services ~~assure~~ensure the parent or caretaker each child has adequate care that affords developmental and learning experiences while the parent or caretaker is engaged in self-support activities. The child care plan consists of many components that link to form a goal-directed child care plan, ~~and includes components as described in (1) through (11) of this Section.~~

(1) **Child characteristics.** The worker gathers information about the child for whom child care is needed including his or her name, age, grade level, and ~~whether~~if the child has a disability.

(2) **Need for child care.** The worker determines ~~whether~~if the parent or caretaker meets a need factor per Oklahoma Administrative Code (OAC) 340:40-7-7 and 340:40-7-8.

(3) **Plan hours.** The worker gathers information about the days and hours, including travel time, from the parent or caretaker ~~meets to document~~ the need factor, ~~including travel time.~~

(A) When there are two parents or caretakers in the home, the worker only approves subsidized child care benefits when both parents or caretakers meet a need factor during the same hours, per OAC 340:40-7-7 and 340:40-7-8.

(B) Based on the days and hours the child requires care, the worker approves a full-time daily, part-time daily, a combination of full-time and part-time daily, weekly, or a blended unit type.

(C) Refer to OAC 340:40-7-7(e) for plan hours concerning a child attending an Early Head Start-Child Care Partnership (EHS-CCP) grant program or an Oklahoma Early Childhood Program (OECP).

(D) The worker does not decrease the child care plan hours because the client no longer meets a need factor or has a decreased need for child care between renewal periods, per Section 98.21(a) of Title 45 of

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the Code of Federal Regulations (45 C.F.R. § 98.21) and OAC 340:40-9-2(b).

(4) **Alternative to subsidized child care benefits.** The worker and client explore whether there is an appropriate, feasible alternative to Oklahoma Department of Human Services (DHS) subsidized child care benefits.

(A) When the alternative is a spouse or the natural or adoptive parent of the child who lives in the home, the client must use the alternative rather than subsidized child care benefits.

(B) When the alternative is someone other than a spouse or parent of the child, the client may choose whether to use the alternative.

(5) **Plan to increase income.** At each application or renewal, the client and worker explore ways the client ~~could~~may become more self-supporting by increasing household income. ~~Ways to increase~~Increasing household income may include pursuing a work promotion, searching for a higher paying job, or increasing job skills. The client must also pursue any identified potential income, per OAC 340:40-7-9.

(6) **Back up plan.** The worker and client discuss and develop a ~~back-up~~backup plan for child care when the child cannot go to the usual provider because of illness, school holidays, or other ~~unforeseen~~ emergencies. The ~~back-up~~backup plan includes the name and address of a person the client feels he or she can rely on when the normal plan of care cannot be used.

(7) **Choice of provider.** The worker documents the choice of provider on the application or renewal form.

(A) When the client does not choose a provider at the time of request, the worker provides the client with information to help in making the choice.

(B) The client may choose a family child care home regardless of star level.

(C) The client may not choose a child care:

- (i) facility that does not have a valid contract with DHS;
- (ii) facility in which the client or his or her spouse, including the child's parent or stepparent, has an ownership interest;
- (iii) home in which the child resides;
- (iv) home in which the client also works during the hours his or her child is in care;
- (v) provider who does not allow parental access during the hours the provider is caring for children;
- (vi) program receiving state or federal funds, such as Head Start, Early Head Start, or public schools, and not charging all parents for the hours subsidy payment is requested. EHS-CCP grant programs and OECPs are exempt from this rule; ~~and~~
- (vii) provider caring for a school age child during the regular school day when the student could be attending a public or private school during those hours;

(viii) center, when it is a one star facility, unless there are no centers with a higher star status in the community or special exception criteria are met. Special exception criteria are:

(I) the child was approved for care prior to the provider's star status being reduced to one star. The child may remain at the facility unless the child stops attending there for more than 30-calendar days. The child may be approved at the same facility again when the only reason the child did not attend for more than 30-calendar days was because of a school break or circumstances beyond the control of the family, such as the child's illness of the child;

(II) care is requested for a child living in the same home as a child already approved for care per (7)(C)(viii)(I) of this subsection for the same one star child care provider; or

(III) the parent or guardian demonstrates there is no other child care option that meets the family's needs; or

(ix) in-home provider who is not related to the child. Per OAC 340:40-13-2, related means an aunt, uncle, grandparent, great grandparent, or sibling not living in the home.

(8) **Income determination.** Per OAC 340:40-7, the worker determines who is considered part of the household for income determination and what income is countable or excluded.

~~(A) The household's countable income must not exceed the entry income eligibility threshold, per DHS Appendix C-4, Child Care Eligibility/Copayment Chart, Schedule I.A or Schedule I.B, state income guidelines for initial certification.~~

~~(B) When the household reports increased income during the 12 month eligibility period that exceeds the entry income threshold but remains below the exit income threshold, per DHS Appendix C 4, Schedule II, federal income guidelines, the household remains eligible. The family share copayment does not increase until renewal per (9)(A) of this Section.~~

~~(C) At renewal, the household's countable income must not exceed the exit income threshold to remain eligible for an additional 12 months.~~

(9) **Family share copayment.** The worker refers to DHS Appendix C-4 to determine the family share copayment for each family. The family share copayment is applied before DHS pays a child care subsidy. The family's copayment cost varies based on family size, and income, and the number of children receiving subsidized child care benefits.

(A) The family share copayment is determined at approval and may not be increased until renewal, per 45 C.F.R. § 98.21(a)(3). When the worker anticipates changes in household income at approval, such as when the client started a new job and did not receive a full month's pay for the application month, the worker increases household income and the family share

copayment for the next month in the certification action. All family share copayment changes made at certification are included in the approval notice(s).

(B) When household income decreases during the eligibility period, the worker decreases the family share copayment, when applicable, per OAC 340:40-9-2(c). Following a decrease, the copayment is not increased until renewal unless the household income is—overexceeds the federal income guidelineseligibility threshold, per DHS Appendix C-4, Schedule II.

(C) At renewal, when the family's income exceeds the state income guidelines and remains below the federal income guidelineseligibility threshold, per OAC 340:40-9-1(f) the worker increases the family share copayment per DHS Appendix C-4, the worker closes the child care benefits.

(10) **Social services requests.** When a client requests help in meeting the social services needs listed on the application or renewal, the worker provides all available information to aid a client in meeting these needs.

(11) **Client rights and responsibilities.** The worker informs the client of his or her rights and responsibilities per (A) through (G) of this paragraph.

(A) A child care request is only approved back to the request date when the interview is conducted and verification is provided on the request date.

(B) The client has the right to ask for a fair hearing when the client disagrees with an action taken on his or her case, per OAC 340:2-5.

(C) The provider may charge the client for special fees, such as enrollment or transportation fees, provided these fees are posted and also charged to families attending the facility who do not receive subsidized child care.

(D) The provider may charge the client for care provided in excess of the DHS-approved child care plan when the client chooses to leave the child in care longer. When the provider requires all children in the facility to begin care by a certain time of day and the client's child care plan hours start later, the provider must not charge the client for the additional hours. The client swipes attendance based on the child care plan hours.

(E) The provider may charge the client for any days DHS refuses to pay for care because the:

- (i) client did not swipe attendance for the correct days and times his or her child attended child care;
- (ii) swipes were denied and the client did not get them corrected within 10- calendar days; or
- (iii) provider lost the absent-day payment for a child approved for a weekly unit type because the client did not swipe correct attendance for every day the child attended that month.

(F) The provider may not charge the client for days:

- (i) and hours covered in the child care plan when all attendance was correctly swiped, even when the hours are more than customary for a full-time day; and
- (ii) the child is not in attendance.

(G) The client is required to cooperate with the DHS Office of Inspector General in any audit or investigation of possible overpayments by the client or by the client's chosen provider.

SUBCHAPTER 7. ELIGIBILITY

340:40-7-1. Categories of eligibility

A person may be predetermined eligible for a child care benefit, determined income eligible based on the gross income of the household, or have dual eligibility with his or her tribe.

(1) **Predetermined eligible.** A person is predetermined eligible for a child care benefit with a zero copayment when he or she is a recipient of public assistance or Supplemental Security Income (SSI). Public assistance is defined as a State Supplemental Payment (SSP), Temporary Assistance for Needy Families (TANF) that includes Supported Permanency, or Refugee Resettlement Program (RRP) cash assistance.

(A) TANF recipients who work and are eligible for a child care benefit may choose to receive a child care benefit through the Oklahoma Department of Human Services (DHS) or pay for the child care themselves. When they choose to pay for the child care cost, it is considered as an earned income exemption for the TANF benefit per Oklahoma Administrative Code 340:10-3-33.

(B) A person receiving public assistance or SSI is not predetermined eligible for a zero copayment when:

- (i) the recipient is a child and the parent or guardian requesting the benefit for the child is not the payee on the public assistance or SSI payment; ~~or~~
- (ii) ~~it makes a difference whether other children in the household are income eligible for child care.~~

(2) **Income eligible.** Households not predetermined eligible for a child care benefit must meet the income eligibility guidelinesthreshold for their householdfamily size, per DHS Appendix C-4, Child Care Eligibility/Co-payment Chart, to receive assistance with child care costs.

(3) **Transitional child care.** Per Section 230.61 of Title 56 of the Oklahoma Statutes, a TANF recipient who becomes employed is eligible for transitional child care benefits for 24 months following the date of employment as long as he or she meets the income eligibility guidelinesthreshold, per DHS Appendix C-4, for his or her householdfamily size unless the:

- (A) employer provides child care benefits; or
- (B) recipient's gross monthly earned income exceeds the monthly allowance of assistance pursuant

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to the TANF program plus the cost of child care and medical insurance to which the recipient would be entitled.

- (4) **Dual eligibility.** A person may have dual eligibility to receive child care assistance through the DHS Child Care Subsidy Program and his or her tribe. However, the child care provider may not receive payment for the same service from both programs simultaneously.

340:40-7-7. Establishing the need factor for child care

(a) **Establishing the need factor.** In order for children to be cared for in a safe environment while the parent or caretaker participates in an approved activity or for protective or preventive reasons, the Oklahoma Department of Human Services (DHS) provides subsidized child care benefits.

(1) The worker arranges to obtain documentation of the need factor from the client or collateral sources, ~~documentation of the need factor.~~

(2) The worker and client negotiate the amount of travel time allowed for an activity based on what is a reasonable length of time.

(3) The worker does not approve child care for the hours the child attends school or Head Start.

(b) **Need factor for single parent or caretaker families.**

The need for subsidized child care is met when the:

(1) parent or caretaker is employed, per Oklahoma Administrative Code (OAC) 340:40-7-8(a);

(2) parent or caretaker needs sleep time during the day after working night hours when a feasible alternative is used at no cost to DHS during the night working hours, per OAC 340:40-7-8(a)(5);

(3) parent or caretaker attends a training or formal education program designed to lead to employment, per OAC 340:40-7-8(b) and (c);

(4) parent or caretaker attends high school, high school equivalency classes, literacy, adult basic education (ABE), or English as a Second Language (ESL) classes, per OAC 340:40-7-8(c);

(5) parent or caretaker participates in Supplemental Nutrition Assistance Program (SNAP) Education and Training (E&T) activities, per OAC 340-7-8(d);

(6) parent or caretaker participates in an approved Temporary Assistance for Needy Families (TANF) Work activity, per OAC 340:10-2-1;

(7) child needs care or supervision for part of the day as a protective or preventive service, per OAC 340:40-7-8(f); or

(8) child receives Supplemental Security Income (SSI) and needs care for enrichment purposes, per OAC 340:40-7-8(g).

(c) **Need factor for two-parent or two-caretaker families.**

Two-parent or two-caretaker families include two natural or adoptive parents, the natural parent and a stepparent, two grandparents, other relative married couples, or other non-relative married couples. When an unmarried couple applies, only the natural or adoptive parent must meet a need factor. The need for subsidized child care is met when:

(1) both parents or caretakers work during the same hours they request child care, per OAC 340:40-7-8(a);

(2) one or both parents or caretakers need sleep time during the day after working night hours when a feasible alternative is used at no cost to DHS during the night working hours, per OAC 340:40-7-8(a)(5). When both parents do not work night hours, one parent must work during the other parent's sleep time hours;

(3) one parent or caretaker attends a formal education or training program, per OAC 340:40-7-8(b) or (c) during the same hours the other parent or caretaker works per OAC 340:40-7-8(a) ~~through (e)~~;

(4) both parents or caretakers attend high school, per OAC 340:40-7-8(c);

(5) one parent or caretaker attends high school during the same hours the other parent or caretaker works or attends a formal education or post high school training program, per OAC 340:40-7-8(a) through (c);

(6) one parent or caretaker attends high school equivalency classes, literacy, ABE, or ESL classes, per OAC 340:40-7-8(c)(2) or (3) during the same hours the other parent or caretaker works, per OAC 340:40-7-8(a) ~~through (e)~~;

(7) one or both parents or caretakers participates in SNAP E&T activities per OAC 340-7-8(d). When one parent or caretaker is not participating in SNAP E&T activities, he or she must meet a need factor during the same hours, per OAC 340:40-7-8;

(8) one or both parents or caretakers participate in approved TANF Work activities, per OAC 340:10-2-1. When one parent or caretaker is not participating in TANF Work activities, that parent must meet a need factor, per OAC 340:40-7-8 during the same hours;

(9) the child needs care or supervision for part of the day as a protective or preventive service, per OAC 340:40-7-8(f);

(10) the child receives SSI and needs care for enrichment purposes, per OAC 340:40-7-8(g); or

(11) one parent or caretaker is incarcerated and the other parent remains in the home. In this instance, the parent remaining in the home is treated as a single parent.

(d) **Need factor in joint custody cases.** When parents are separated or divorced and share custody of their child, voluntarily or through a court order, each parent's income and need for child care is considered separately.

(e) **Need factor for a child attending an Early Head Start-Child Care (EHS-CC)—Partnership (EHS-CCP) grant program or an Oklahoma Early Childhood Program (OECP).** A child attending an EHS-CC Partnership grant program or an OECP may be approved for a weekly unit type when the parent or caretaker qualifies for Child Care Subsidy and meets a need factor per (b) or (c) of this Section for some of the EHS-CC Partnership grant program or OECP care hours.

(f) **Activities that do not meet the need factor for child care.** The need factor for child care is not met and child care must not be approved for:

(1) job search for parents or caretakers not participating in TANF Work activities, per OAC 340:10-2-1;

- (2) online Internet based or televised education or training courses when an instructor is not conducting a live broadcast and attendance is not required while the program is being broadcast, per OAC 340:40-7-8(b) and (c);
- (3) undergraduate classes or other training not expected to lead to a degree or certificate of completion, per OAC 340:40-7-8(b) and (c);
- (4) post graduate education, such as master's and doctoral programs;
- (5) two-parent or two-caretaker families when both attend a formal education or training program during the same days and hours;
- (6) transportation only;
- (7) volunteer hours or jury duty;
- (8) hours a school age child could attend a public or private school, but the parent or caretaker chooses to home school the child at night; and
- (9) children in Child Welfare Services foster care, when one or both foster parents do not meet child care eligibility rules, per OAC 340:75-7-65.

340:40-7-10. General provisions regarding income

- (a) **Income considered.** Available and anticipated income, except that required to be disregarded by law or Oklahoma Department of Human Services (DHS) policy, per Oklahoma Administrative Code (OAC) 340:40-7-12, is considered when determining a client's eligibility for child care subsidy benefits per this Section and OAC 340:40-7-11.
- (b) **Reporting requirement.** The client must report all sources of income at application and as changes occur, per (e) of this Section and OAC 340:40-9-2.
- (c) **Income from a new source.** Income from a new source is only considered for the approval month when a full check is received on or prior to the certification date. Income is anticipated and considered for the next month when a full check from the new source is expected to be received by the first of the month. When a full check is not received by the first of the next month, it is anticipated and considered for the third month before income is set for the remainder of the eligibility period.
- (d) **Past income.** Past income is not used to anticipate future income for any month in which an income change occurred or employment ended.
- (e) **Increased income between eligibility determinations.** Between eligibility determinations, per Section 98.21(e)(1) of Title 45 of the Code of Federal Regulations, the client is only required to report income changes within 10-calendar days of the date the change occurs, when the household's gross income exceeds the ~~federal~~ eligibility threshold for the ~~household~~ family size, per DHS Appendix C-4, Child Care Eligibility/Copayment Chart, ~~Schedule H~~.

- (1) A computer-generated notice issues at certification and renewal informing the client of the current ~~federal~~ eligibility threshold for his or her family size and instructs the client to report when the household income exceeds this amount.
- (2) When income exceeds the ~~federal~~ eligibility threshold, the worker closes the child care benefit for

the next advance-notice effective date per OAC 340:40-9-2(f).

- (f) **Decreased income after approval.** When income decreases after approval, the worker makes the change for the current month, when appropriate, or by the next non-advance notice effective date per Oklahoma Department of Human Services (DHS) Appendix B-2, Deadlines for Case Actions. Once income decreases, it is not increased until the renewal month per ~~OAC 340:40-5-1(8)~~ and (e) of this Section.
- (g) **Garnished income.** When a person's income is reduced due to garnishment, the gross amount before the garnishment is counted as income.
- (h) **Withheld or returned payments not considered as income.** Payments not considered as income are:
 - (1) monies withheld from any income source to repay a prior overpayment received from that same source;
 - (2) monies voluntarily or involuntarily returned to repay a prior overpayment received from that same income source; or
 - (3) child support payments received by Temporary Assistance for Needy Families (TANF) recipients that must be sent to DHS Child Support Services to maintain TANF eligibility.
- (i) **Withheld or returned payments considered as income.** Monies withheld or returned to repay overpayments in federal, state, or local means tested assistance programs are not excluded when they are withheld or returned to repay overpayments resulting from intentional program violation as established by the agency administering the program.

340:40-7-12. Sources of excluded income

Only the income listed in this Section is excluded in determining a household's eligibility for a child care benefit. No other income is excluded.

- (1) **Lump sum payments.** One-time lump sum payments are excluded as income. Recurring lump sum payments are excluded as a countable income source unless specifically mentioned per Oklahoma Administrative Code (OAC) 340:40-7-11.
- (2) **In-kind income.** In-kind income is excluded as income. In-kind income is defined as any gain or benefit that is not in the form of money paid directly to the household. This includes non-monetary or in-kind benefits, such as meals, clothing, public housing, or produce from a garden.
- (3) **Money received from the sale of property.** Money received from the sale of property, such as stocks, bonds, or a house or car is excluded. This exclusion does not apply when the person is engaged in the business of selling such property.
- (4) **Bank or trust account withdrawals.** Money withdrawn from a bank or trust account is excluded as income even when used to meet current living expenses.
- (5) **Capital gains.** The proceeds from the sale of capital goods or equipment are excluded.
- (6) **Household income for certain children adopted through Oklahoma Department of Human Services (DHS).** The income of all household members is exempt

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for a child only when conditions in (A) through (E) are met. The:

- (A) child was adopted through DHS or a federally-recognized Indian tribe, as defined by the Federal and Oklahoma Indian Child Welfare Acts, by the parent applying for benefits;
 - (B) adoptive parent applying for benefits must provide:
 - (i) a fully executed Form 04AN002E, Adoption Assistance Agreement, listing child care as an adoption assistance benefit for the child;
 - (ii) Form 04AN033E, Post Adoption Child Care Referral;
 - (iii) the Final Decree of Adoption; and
 - (iv) a form of identity;
 - (C) adoptive parent and child are Oklahoma residents;
 - (D) child is 5 years of age or younger. When a child turns 6 years of age during the 12-month eligibility period, household income remains exempt until the next renewal; and
 - (E) adoptive parent meets an allowable need factor and provides proof, per OAC 340:40-7-7 and OAC 340:40-7-8 ~~and provides proof~~. In a two-parent family, both parents must meet an allowable need factor.
- (7) **Household income when at least one child attends an Early Head Start-Child Care (EHS-CC) Partnership (EHS-CCP) grant program or an Oklahoma Early Childhood Program (OECF).** The household income is exempt for all children in care when at least one child attends an ~~EHS-CC Partnership~~ EHS-CCP grant program or an OECF and the household meets the income guidelines threshold, per DHS Appendix C-4, Child Care Eligibility/Copayment Chart.
- (8) **Earnings of children.** ~~Exclude the~~ The earnings of a person 17 years of age and younger who is considered a child in the case are excluded as long as the child is ~~attending~~ attends school regularly. The exclusion continues to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment resumes following the break. When the child is a minor parent and the payee, the minor parent's earnings are treated as adult income.
- (9) **Irregular income.** Any income received too infrequently or irregularly to be reasonably anticipated is not counted unless it is in excess of \$30 per calendar quarter.
- (10) **Reimbursements.** Reimbursements for past or future expenses not exceeding actual expenses are excluded.
- (11) **Tax refunds.** Exclude federal or state income tax refunds including Earned Income Tax Credit (EITC) payments.
- (12) **Money received for third parties.** Money received and used for the care and maintenance of a third party who is not a household member is excluded.
- (13) **Loans.** All loans, including loans from private as well as commercial institutions, are excluded as income. When the household states someone is loaning the household money to meet expenses, a statement signed by both

parties is required indicating the payment is a loan and must be repaid. When the household states it receives loans on a recurrent or regular basis from the same source, the lender must sign an affidavit stating the payments are loans that must be repaid or that payments will be made in accordance with an established repayment schedule.

(14) **Grants.** Grants obtained and used under conditions that preclude their use for current living costs are excluded.

(15) **Educational assistance.** Educational assistance is excluded as income and includes, but is not limited to:

- (A) work study;
- (B) scholarships;
- (C) fellowships;
- (D) educational loans when payment is deferred; and
- (E) veterans' education benefits.

(16) **Stipends.** Stipends paid to students participating in the Indian Vocational Education Program through the Carl D. Perkins Vocational and Applied Technology Education Act are excluded as income.

(17) **Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE).** Payment for supportive services or reimbursement of out-of-pocket expenses made to volunteers serving as foster grandparents, senior health aides, senior companions, and to persons serving in SCORE and ACE is excluded as income.

(18) **Government rent or housing subsidies.** Government rent or housing subsidies by government agencies received in-kind or in cash for rent, mortgage payments, or utilities are excluded as income.

(19) **Foster care payments.** Foster care payments received for a foster child in state or tribal custody are excluded as income.

(20) **Title IV E of the Social Security Act or State Adoption Subsidy.** Federal or state funded adoption subsidy payments made to adoptive parents are excluded as income.

(21) **Victims of Crime Act of 1984.** Payments made from the crime victims' compensation program as amended in Section 1402 of the Victims of Crime Act of 1984 and ~~per~~ Section 10602 of Title 42 of the United States Code (42 U.S.C § 10602) are excluded as income.

(22) **Family Support Assistance Payment Program.** Family Support Assistance Payment Program payments paid to persons by ~~the~~ DHS Developmental Disabilities Services are excluded as income.

(23) **Vendor payments.** Vendor payments made directly to the household's creditors, a person, or an organization providing a service to the household, are excluded as income unless a court order or other legally binding agreement specifies the money is to be paid directly to the client.

(24) **Money received by another household for a household member.**

- (A) When a child spends part of the month in two separate households and receives countable income, the worker considers the portion of the income received by the household applying for or receiving a

child care benefit as income and excludes the remainder.

(B) When a minor parent is the payee and lives with a parent or caretaker, child support received for the minor parent is considered income for the parent or caretaker and not considered for the minor parent's child care benefit.

(25) **Money deposited into or withdrawn from a qualified Oklahoma Achieving a Better Life Experience (ABLE) Program account.** Money deposited into or withdrawn from a qualified ABLE Program account, per Sections 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes, or a qualified ABLE Program account set up in any other state, per the ABLE Act of 2014 (26 U.S.C. § 529A), is excluded as income when the client:

(A) provides documents to verify the account meets exemption criteria;

(B) verifies money deposited in the account does not exceed the annual federal gift tax exclusion amount, per 26 U.S.C. § 2503(b). Any money deposited in the account in the calendar year that is in excess of the annual federal gift tax exclusion amount is considered as countable income in the amount deposited; and

(C) verifies withdrawals from the account were used to pay qualified disability expenses. Money withdrawn for reasons other than to pay qualified disability expenses is considered as income for the month of withdrawal.

(26) **Income excluded by federal law.** Income excluded by federal law is defined as:

(A) payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(B) payments received:

(i) under the Alaska Native Claims Settlement Act, Public Law (P.L.) 92-203, § 21(a);

(ii) under the Sac and Fox Indian Claims Agreement, P.L. 94-189;

(iii) from the disposition of funds to the Grand River Band of Ottawa Indians, per P.L. 94-540;

(iv) by members of the Confederated Tribes of the Mescalero Reservation, per P.L. 95-433;

(v) under the Maine Indian Claims Settlement Act of 1980 to members of the Passamaquoddy and the Penobscot Nation, P.L. 96-420; or

(vi) by an individual as a lump sum or a periodic payment via the Cobell Settlement, per the Claims Resolution Act of 2010, P.L. 111-291;

(C) any payment to volunteers under Title II, Retired and Senior Volunteer Program, Foster Grandparents and others, of the Domestic Volunteer Services Act of 1973, P.L. 93-113 as amended. Payments under Title I of that Act, Volunteers in Service To America, University Year for Action, and Urban Crime Prevention Program, to volunteers are excluded only when the monthly amount, converted to

an hourly rate, is less than the Oklahoma minimum wage;

(D) income derived from submarginal land of the United States held in trust for certain Indian tribes, per P.L. 94-114, Section 6;

(E) Indian per capita payments distributed from judgment awards and trust funds, ~~made~~ per P.L. 98-64. ~~Also excluded is any interest~~ Interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds is excluded. Any per capita payments, headrights of the Osage tribe, income from mineral leases or other tribal business ventures are excluded as long as the payments are paid per capita. Any interest or income derived from the funds after distribution is considered as any other income. The per capita exclusion applies per person rather than per family;

(F) income up to \$2,000 per year received by individual Indians derived from leases or other uses of individually-owned trust or restricted lands, is not counted as income. The income exclusion applies to calendar years beginning January 1, 1994. Any remaining disbursements from the trust or restricted lands are considered income;

(G) allowances, stipends, earnings, compensation in lieu of wages, grants, and other payments made for participation in the Workforce Innovation and Opportunity Act (WIOA) or other federally-funded workforce training program to persons of all ages and student status with the exception of income paid to persons 19 years of age and older for on-the-job training. This income is treated as any other earned income, per OAC 340:40-7-11(b)(4);

(H) payments, allowances, or earnings to persons participating in programs under Title I of the National and Community Service Trust Act of 1993. Title I includes three Acts: Serve-America, The Community Service, Schools and Service-Learning Act of 1990; the American Conservation and Youth Service Corps Act of 1990; and the National and Community Service Act. Most of the payments are made as a weekly stipend or for educational assistance. The Higher Education Service-Learning Program and the AmeriCorps Umbrella Program come under this Title. This includes AmeriCorps income;

(I) payments or allowances made under any federal law for the purpose of energy assistance, Low Income Home Energy Assistance Program (LIHEAP), and utility payments and reimbursements made by the Department of Housing and Urban Development (HUD) and the Farmers Home Administration (FmHA);

(J) the amount of the mandatory salary reduction of military service personnel used to fund the G.I. Bill;

(K) ~~all funds paid to persons under the Community Service Employment Program under~~ benefits from

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State and Community Programs on Aging, per Title III and Title V, P.L. 100-175 of the Older Americans Act of 1965 as amended by P.L. 114-144, Older Americans Act Reauthorization Act of 2016. This program is authorized by the Older Americans Act. Each state and various organizations receive ~~some~~ Title V funds. These organizations include:

- (i) Experience Works, ~~formerly Green Thumb;~~
 - (ii) National Council on Aging;
 - (iii) National Council of Senior Citizens;
 - (iv) American Association of Retired Persons Foundation;
 - (v) United States (U.S.) Forest Service;
 - (vi) National Association for Spanish Speaking Elderly;
 - (vii) National Urban League;
 - (viii) National Council on Black Aging; and
 - (ix) National Council on Indian Aging;
 - (x) Asociación Nacional Pro Personas Mayores;
 - (xi) Associates for Training and Development, Inc.;
 - (xii) American Samoa;
 - (xiii) Easter Seals, Inc.;
 - (xiv) Goodwill Industries International, Inc.;
 - (xv) Institute for Indian Development;
 - (xvi) National Able Network;
 - (xvii) National Asian Pacific Center on Aging;
 - (xviii) National Caucus and Center on Black Aged, Inc.;
 - (xix) National Older Worker Career Center;
 - (xx) Operation A.B.L.E. of Greater Boston, Inc.;
 - (xxi) Senior Service America, Inc.;
 - (xxii) SER-Jobs for Progress National, Inc.;
 - (xxiii) Workplace, Inc.; and
 - (xxiv) VANTAGE Aging;
- (L) payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement In Re Agent Orange Product Liability Litigation, M.D.L. No. 381 (E.D.N.Y.);
- (M) payments received under the Civil Liberties Act of 1988. These payments are made to persons of Japanese ancestry who were detained in internment camps during World War II;
- (N) payments made from the Radiation Exposure Compensation Trust Fund as compensation for injuries or deaths resulting from exposure to radiation from nuclear testing and uranium mining;
- (O) payments for the fulfillment of a Plan for Achieving Self-Support under Title XVI of the Social Security Act;
- (P) payments made to persons because of their status as victims of Nazi persecution;
- (Q) payments made for the Experimental Housing Allowance Program under Annual Contributions Contracts entered into prior to January 1, 1975,

per Section 23 of the U.S. Housing Act of 1937 as amended;

(R) monetary allowances provided to certain children of Vietnam War veterans, per Chapter 18 of Title 38 of the United States Code;

(S) federal funds distributed by Federal Emergency Management Assistance (FEMA) due to a disaster or emergency to persons directly affected by the event. This exclusion also applies to comparable disaster assistance provided by states, local governments, and disaster assistance organizations. For payments to be excluded, the disaster or emergency must be declared by the President of the United States;

(T) the value of the food benefit allotment under the Food and Nutrition Act of 2008; ~~and~~

(U) the value of supplemental food assistance under the Child Nutrition Act of 1966 and the special food services program for children under the National School Lunch Act of 1970, both as amended, per Omnibus Budget Reconciliation Act of 1981; ~~and~~

(V) income received by a member of the United States Armed Forces, per 37 U.S.C. Chapter 5 and, per 273.9(c)(20) of Title 7 of the Code of Federal Regulations that is:

(i) received in addition to the service member's basic pay during combat deployment;

(ii) received as a result of the service member's deployment or service in an area designated as a combat zone as determined per Executive Order or P.L.; and

(iii) not received by the service member prior to the service member's deployment to or service in a federally designated combat zone.

340:40-7-13. Computation of income

(a) **Ongoing income.** Income from an ongoing source received regularly but in amounts that vary, or income received irregularly, is averaged over a minimum of 30-calendar days unless the client has not received at least 30-calendar days of representative income. This includes overtime pay, irregular child support, and other occasional increases or decreases in monthly gross income. When income is received more often than once per month, the income is converted to a monthly amount.

(b) **Income verification.** The worker verifies the household's income using the best available information.

(1) When at application or renewal the person received at least 30-calendar days of income, the best available information is normally the person's pay stubs or an employer statement. When neither source is available, the worker uses whatever records are available that best establish the income already received and expected for future months.

(2) When the client's ongoing employment income changed and the last 30-calendar days of income is not indicative of future earnings, the best available information may be an employer statement. When work hours remain

the same but the client received a pay raise, the worker averages the person's work hours over the last 30-calendar days and multiplies the averaged hours by the new pay rate.

(3) For earned income, pay stubs are used for verification only when the client's name or Social Security number, date(s) of the pay period, and amount of income before deductions are shown on the pay stub. When this information is not shown on the pay stub, or pay stubs are not available, phone contact with the employer or an employer statement is required.

(4) When a household member starts a new job, the worker verifies the person's start date, date the first full paycheck is expected to be received, hourly rate, and anticipated number of hours per week.

(c) **Income calculations at initial certification.** For an initial certification, the worker calculates income using procedures in (1) through (4).

(1) When household income is ongoing, the worker uses actual income received for the approval month, except when:

(A) all income for the month has not been received and verified. When this occurs, the worker uses any full representative paychecks to anticipate income not yet received for the approval month and future months; or

(B) the person received an additional check in the approval month due to a third or fifth week. When this occurs, the worker averages the last 30-calendar days of income for the approval month and future months.

(2) When income is ongoing and actual income is used for the approval month, the worker averages the last 30-calendar days of representative income and converts it to a monthly amount for the following month.

(3) When income is from a new source and the person did not receive any income as of the approval date, the worker does not consider income for the approval month per Oklahoma Administrative Code (OAC) 340:40-7-10.

(A) Income expected to be received in the month following the approval month is anticipated and considered when a full check is expected to be received on or before the first of the month following the approval month.

(B) When only partial earnings are expected to be received in the month following the approval month, earnings are not considered until the next month.

(4) The worker adds together all countable earned and unearned income to arrive at the household's gross income.

(d) **Income calculation at renewal.** To calculate income at renewal, the worker determines eligibility based on circumstances anticipated for future months using the best information available.

(1) The worker adds together all countable earned and unearned income to arrive at the household's gross income.

(2) When the household reports earned income from a new source at renewal, the worker considers the earned

income effective the first month a full check is expected to be received by the first of that month.

(e) **Income deduction.** After computing gross income, the worker subtracts any verified, legally-binding child support payments paid by a household member to or for a non-household member, including child support and child care support payments made to a third party on behalf of the non-household member.

(f) **Income eligibility guidelines threshold.** The worker uses Oklahoma Department of Human Services Appendix C-4, Child Care Eligibility/Copayment Chart, ~~Schedule I-A or I-B~~, to determine if the household meets ~~the income guidelines threshold for initial certifications and Schedule II to determine ongoing eligibility per Section 98.21(b)98.20(a)(2) of Title 45 of the Code of Federal Regulations and OAC 340:40-5-1(8).~~

SUBCHAPTER 9. PROCEDURES RELATING TO CASE CHANGES

340:40-9-1. Renewal of child care eligibility

(a) **Child care renewal.** The client must complete the child care renewal at the end of the 12-month eligibility period in order to continue receiving benefits per Section 98.21(a) of Title 45 of the Code of Federal Regulations (45 C.F.R. § 98.21(a)). Refer to Oklahoma Administrative Code 340:40-9-2(f) for reasons child care is closed prior to the renewal. At renewal, the client is sent a computer-generated notice informing the client:

- (1) the renewal is due;
- (2) the methods the client may use to complete the renewal;
- (3) types of verification that may be required; and
- (4) when benefits close if the renewal is not completed.

(b) **Renewal time frame.** A child care renewal is due no earlier than 12 months from the approval date or the last renewal unless the client receives Supplemental Nutrition Assistance Program food benefits and benefits must be synchronized per (g) of this Section.

(c) **Signature requirement.** The client or the client's authorized representative must sign the renewal.

(d) **Interview requirement.** An interview is not required at renewal for the Child Care Subsidy Program.

(e) **Eligibility determination.** An eligibility determination is made once the renewal is signed and all required verification is provided and evaluated.

- (1) The eligibility determination results in:
 - (A) completing the renewal without changes;
 - (B) completing the renewal with changes; or
 - (C) closing the child care benefits.

(2) Benefits, when closed, may be reopened when the client provides required information within 30-calendar days of closure.

(f) ~~**Graduated phase out of subsidized care.** When the household's income at renewal exceeds state income guidelines but remains below federal income guidelines, the household is eligible to receive 12 more months of subsidized care. The~~

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~~family share copayment is increased per Oklahoma Department of Human Services Appendix C-4, Child Care Eligibility/Copayment Chart.~~

(g) **Synchronization of benefits.** When the client receives other Adult and Family Services benefits in addition to the subsidized child care benefits, certification and renewal dates must be coordinated with the other programs.

340:40-9-2. Case changes

(a) **Change reporting.** Between eligibility determinations, per Section 98.21(e)(1) of Title 45 of the Code of Federal Regulations (45 C.F.R. § 98.21(e)(1)), the household must report within 10-calendar days of the change occurring, when the household's gross income exceeds ~~federal exit~~ the income eligibility threshold for the ~~household~~family size, per Oklahoma Department of Human Services (DHS) Appendix C-4, Child Care Eligibility/Copayment Chart, ~~Schedule H.~~

(1) A computer-generated notice issues at certification and renewal informing the client of the current ~~federal exit~~ income eligibility threshold for his or her family size and instructs the client to report when the household income exceeds this amount.

(2) When the client fails to report an income increase timely that, if reported, would have resulted in benefit closure, the worker makes an overpayment referral to Adult and Family Services Benefit Integrity and Recovery per Oklahoma Administrative Code (OAC) 340:40-15-1.

(b) **Action taken on reported changes.** The worker must act on all changes reported by the household between renewal periods. Benefits do not decrease unless the client requests a decrease to avoid or reduce an overpayment or the reported change results in closure of the child care benefit per (f) of this Section.

(c) **Changes that increase subsidized child care benefits.** When the client reports a change within 10-calendar days of the change that increases the amount of child care approved or decreases the family share copayment, the client and the worker jointly plan the effective date of the change. When the client does not report the change within 10-calendar days of the change, the earliest date the worker increases the subsidized child care benefits is the first day of the month in which the client reports the change.

(d) **Additional child request.** When an additional child requires subsidized child care benefits, the worker completes the request within two-business days of the client providing all necessary verification to determine eligibility. When eligible, the child may be approved for subsidized child care benefits beginning with the date of request.

(e) **Change in provider.** When a client reports a change in provider, the change is effective the date the change in provider occurs, regardless of whether the client reports the change timely. The worker completes provider changes within two-business days of the date the client reports the change.

(f) **Closure of subsidized child care benefits.** When the client is no longer eligible for subsidized child care benefits, the closure date varies depending on circumstances. Refer to DHS Appendix B-2, Deadlines for Case Actions, for advance-notice deadline dates.

(1) The worker closes the subsidized child care benefits effective 10-calendar days from the date action is taken, when the:

(A) payee for the child care benefit changes. When this occurs, a new application is needed per OAC 340:40-3-1(a)(1)(C);

(B) only child(ren) approved for subsidized child care leaves the home;

(C) client already received income in excess of the ~~federal exit~~ income threshold per DHS Appendix C-4, ~~Schedule H;~~

(D) client moves out of state; or

(E) client was approved for child care in error.

(2) The worker closes the child care benefit effective the last day of the current calendar month when the client's anticipated income for the next month is expected to exceed the ~~federal~~ income ~~guidelines~~eligibility threshold, per 45 C.F.R. § 98.21(e)(1) and DHS Appendix C-4, ~~Schedule H.~~

(3) The worker closes the child care benefit effective the last calendar day of the renewal month when:

(A) the client does not meet a need factor;

(B) the client is not pursuing child support or other potential income per OAC 340:40-7-9;

(C) the child reached the maximum age limit per OAC 340:40-7-3; or

(D) an adopted child turned 6 years of age and the family income must now be considered per OAC 340:40-7-12. In this circumstance, a new application is required per OAC 340:40-3-1(a)(1)(D).

(4) When the client receives Temporary Assistance for Needy Families (TANF) related subsidized child care per OAC 340:40-7-8(e) and stops meeting a need factor, the worker closes the child care benefit effective 90-calendar days from the date the client stops participating.

(5) When a client stops participating in Supplemental Nutrition Assistance Program Employment and Training activities per OAC 340:40-7-8(d) and does not meet another need factor, the worker closes the child care benefit effective 90-calendar days from the date the client stops participating.

(6) When the client requests closure of the child care benefit, the earliest date the worker closes the child care is the date action is taken.

(7) When the client does not complete the benefit renewal timely, the system closes the child care benefit effective the last day of the renewal month.

(g) **Reopen action.** When a client's subsidized child care benefits close, benefits may be reopened within 30-calendar days of the closure effective date using current eligibility information unless the client must complete a new application per OAC 340:40-3-1(a)(1). Child care benefits are not decreased unless the renewal is due per 45 C.F.R. § 98.21(a).

[OAR Docket #19-187; filed 3-1-19]

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

1:2019-5.

EXECUTIVE ORDER 2019-5

I, J. Kevin Stitt, 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 by Subsection D of Section 840-2.14 of the Oklahoma Statutes hereby order the continuation of the Oklahoma Task Force on Sexual Assault Forensic Evidence (Task Force) until January 1, 2023, or such earlier date as the Task Force completes its directives as set forth in numbered paragraphs 1 through 7 below.

The Task Force shall:

1. Examine the process for gathering and analyzing sexual assault forensic evidence kits in the State and work with members of the legislature to draft proposed legislation to improve the system response to sexual assault;
2. Develop a plan for the prioritization and acceptance of untested sexual assault forensic evidence kits identified in the statewide audit conducted by the Task Force;
3. Identify possible procedures for the testing of anonymous sexual assault evidence kits;
4. Identify possible improvements for victim access to evidence other than sexual assault forensic evidence kits, including but not limited to police reports and other physical evidence;
5. Identify additional rights of victims concerning the sexual assault forensic evidence kits testing process;
6. Identify and pursue grants and other funding sources in to order to address untested sexual assault forensic evidence kits, reduce testing wait times, provide victim notification, and improve efficiencies in the kit testing process; and
7. Develop a comprehensive training plan for equipping and enhancing the work of law enforcement, prosecutors, victim advocates, sexual assault nurse examiners and multidisciplinary Sexual Assault Response Teams (SARTs) across all jurisdictions within Oklahoma.

The Attorney General, or designee, shall serve as the Chairperson of the Task Force. The members of the Task Force shall be appointed by and serve at the pleasure of the Attorney General, and shall include: the Chief of the Attorney General's Victim Services Unit, or designee; one survivor of sexual assault with experience with sexual assault forensic evidence

kit collection; one survivor of sexual assault committed in Oklahoma who has participated in the justice system process; a sexual assault nurse examiner; a person designated by the Director of the Oklahoma State Bureau of Investigation who has expertise in the analysis of sexual assault forensic evidence kits; a person with experience seeking and applying for grants and other private funding; the Executive Director of the Oklahoma Sheriff 's Association, or designee; a law enforcement officer from a rural sheriff's office; the Chief of the Oklahoma City Police Department, or designee; the Chief of the Tulsa Police Department, or designee; a law enforcement officer from a rural municipal law enforcement agency; the Executive Director of the Oklahoma Association of Chiefs of Police, or designee; an attorney from a Public Defenders office with criminal defense experience; the Executive Coordinator of the Oklahoma District Attorneys Council, or designee; a sexual assault victims' advocate from a community-based organization; the Executive Director of the Oklahoma Coalition Against Domestic Violence and Sexual Assault, or designee; the Executive Director of the Native Alliance Against Violence, or designee; a representative of the Administrative Office of the Courts familiar with data coding and running queries; the Executive Director of the Council on Law Enforcement Education and Training, or designee; two nonvoting members from among the members of the Senate, of which may not be from the same political party; and two nonvoting members from among the members of the House of Representatives, of which may not be from the same political party.

The Task Force shall meet at such times and places as the Chairperson deems appropriate. Members shall serve without compensation or travel reimbursement. A quorum of the Task Force shall be required to approve any final action of the Task Force. Ten (10) members will constitute quorum.

All sexual assault forensic evidence kits currently in the possession of any law enforcement agency are to be preserved until such time that the law enforcement agency is informed in writing by the Task Force that evidence kits may be submitted to a lab for testing or disposed of, or until such time as the legislature enacts laws governing the preservation and maintenance of the evidence kits.

Every agency charged with the maintenance, storage, or preservation of untested sexual assault forensic evidence kits shall continue to inventory all untested kits and upon request, identify the following: the unique identifier for the kit; the date the crime occurred; and the date of the examination and

Executive Orders

forensic collection, to the Attorney General. The agency may, but is not required to, disclose the reasons for not submitting the collected kit to the laboratory for analysis.

This Executive Order shall be distributed to the Secretary of State and each Task Force member.

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 the 12th day of March, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-244; filed 3-12-19]
