

Volume 37  
Number 3  
October 15, 2019  
Pages 47 - 62

# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



**Kevin Stitt, Governor**  
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**Secretary of State**  
**Peggy Coe, Editor-in-Chief**

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This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 40 copies have been prepared and distributed at a cost of \$96.06. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

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State Department of <b>POLLUTION</b> Control ( <i>abolished 1-1-93</i> ) . . . . .	555	Board of <b>VETERINARY</b> Medical Examiners . . . . .	775
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Department of <b>CENTRAL</b> Services (Formerly: Office of <b>PUBLIC</b> Affairs; <i>consolidated under</i> Office of Management and Enterprise Services <i>8-26-11 - See Title 260</i> ) . . . . .	580		

<b>Agency</b>	<b>Title</b>	<b>Agency</b>	<b>Title</b>
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# Notices of Rulemaking Intent

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

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

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

## **TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE CHAPTER 10. LICENSED PROFESSIONAL COUNSELORS**

*[OAR Docket #19-752]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Rules of Professional Conduct

86:10-3-4. [AMENDED]

Subchapter 9. Academic Requirements

86:10-9-1. [AMENDED]

Subchapter 25. Licensure by Endorsement

86:10-25-3. [AMENDED]

Subchapter 31. Post-Military Service Occupation,  
Education and Credentialing Rules

86:10-31-1. [AMENDED]

86:10-31-3. [AMENDED]

### **SUMMARY:**

The proposed amendments to 86:10-3-4 more clearly define the unprofessional conduct of pleading guilty to or no contest to or being convicted of a state or federal felony crime in accordance with HB 1373. The proposed amendments to 86:10-9-1 more clearly define the academic requirements by including degree programs accredited by the Council for Accreditation of Counseling related Education Programs (CACREP) as acceptable degree programs. The proposed amendments to 86:10-25-3 strikes language referencing the requirement of applicants for licensure by endorsement to provide proof the applicant has held a license in another jurisdiction for at least five years or possess a graduate degree of at least sixty (60) semester hours or ninety (90) quarter credit hours. The proposed amendments to 86:10-31-1 waives the application fee for active-duty military service members. The proposed amendments to 86:10-31-3 waives the application fee for spouses of active-duty military service members.

### **AUTHORITY:**

State Board of Behavioral Health Licensure; 59 O.S. 2011; 59 O.S. 2001, Section 1901 et. seq.

### **COMMENT PERIOD:**

Persons may submit written comments through November 15, 2019 to Eric Ashmore at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118, or by email to Eric.Ashmore@bbhl.ok.gov.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Eric Ashmore at (405) 522-3696 or eric.ashmore@ok.gov no later than November 16, 2019.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The agency requests that business entities affected by these proposed rules provide the agency with information, within the comment period, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Eric Ashmore at the above address during the period from October 15, 2019 through November 15, 2019.

### **COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at [www.ok.gov/behavioralhealth](http://www.ok.gov/behavioralhealth) and copies may be obtained from the State Board of Behavioral Health Licensure's office located at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118. Copies may also be obtained by written request emailed to Eric.Ashmore@bbhl.ok.gov.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after October 15, 2019 at the above addresses.

### **CONTACT PERSON:**

Eric Ashmore, Executive Director, (405) 522-3696, Eric.Ashmore@bbhl.ok.gov.

*[OAR Docket #19-752; filed 9-24-19]*

## **TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE CHAPTER 15. LICENSED MARITAL AND FAMILY THERAPISTS**

*[OAR Docket #19-751]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Rules of Professional Conduct

86:15-3-1. [AMENDED]

86:15-3-3. [AMENDED]

Subchapter 5. Application for Licensure

86:15-5-3. [AMENDED]

## Notices of Rulemaking Intent

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Subchapter 9. Supervised Experience Requirements

86:15-9-3. [AMENDED]

Subchapter 13. Issuance and Maintenance of License

86:15-13-4. [AMENDED]

86:15-13-8. [AMENDED]

Subchapter 17. Post-Military Service Occupation, Education, and Credentialing Rules

86:15-17-1. [AMENDED]

86:15-17-3. [AMENDED]

### SUMMARY:

The proposed amendments to 86:15-3-1 seek to amend an incorrect reference in the regulation and update the regulation with the correct referenced regulation. The proposed amendments to 86:15-3-3 more clearly define the unprofessional conduct of pleading guilty to or no contest to or being convicted of a state or federal felony crime in accordance with HB 1373. The proposed amendments to 86:15-5-3 more clearly define the academic requirements by including degree programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) as acceptable degree programs. The proposed amendments to 86:15-9-3 strikes duplicative language referencing the permanent expiration of an approved supervisor status for failure to meet the continuing education requirement for approved supervisors. The proposed amendments to 86:15-13-4 more clearly define the continuing education requirement for approved supervisors and seeks to amend an incorrect reference in the regulation and update the regulation with the correct referenced regulation. The proposed amendments to 86:15-13-8 strikes language referencing the requirement of applicants for licensure by endorsement to provide proof the applicant has held a license in another jurisdiction for at least five years and possess a master's degree or doctoral degree in marital and family, or a content-equivalent degree as defined by the Board. The proposed amendments to 86:15-17-1 waives the application fee for active-duty military service members. The proposed amendments to 86:15-17-3 waives the application fee for spouses of active-duty military service members.

### AUTHORITY:

State Board of Behavioral Health Licensure; 59 O.S. 2011; 59 O.S. 2001, Section 1901 et. seq.

### COMMENT PERIOD:

Persons may submit written comments through November 15, 2019 to Eric Ashmore at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118, or by email to Eric.Ashmore@bbhl.ok.gov.

### PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Eric Ashmore at (405) 522-3696 or eric.ashmore@ok.gov no later than November 16, 2019.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The agency requests that business entities affected by these proposed rules provide the agency with information, within

the comment period, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Eric Ashmore at the above address during the period from October 15, 2019 through November 15, 2019.

### COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at [www.ok.gov/behavioralhealth](http://www.ok.gov/behavioralhealth) and copies may be obtained from the State Board of Behavioral Health Licensure's office located at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118. Copies may also be obtained by written request emailed to Eric.Ashmore@bbhl.ok.gov.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after October 15, 2019 at the above addresses.

### CONTACT PERSON:

Eric Ashmore, Executive Director, (405) 522-3696, Eric.Ashmore@bbhl.ok.gov.

*[OAR Docket #19-751; filed 9-24-19]*

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## TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE

### CHAPTER 20. LICENSED BEHAVIORAL PRACTITIONERS

*[OAR Docket #19-753]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 25. Licensure by Endorsement

86:20-25-1. [AMENDED]

Subchapter 31. Post-Military Service Occupation, Education and Credentialing Rules

86:20-31-1. [AMENDED]

86:20-31-3. [AMENDED]

### SUMMARY:

The proposed amendments to 86:20-25-1 strikes language referencing the requirement of applicants for licensure by endorsement to provide proof the applicant has held a license in another jurisdiction for at least five years or possess a graduate degree of at least sixty (60) semester hours or ninety (90) quarter credit hours. The amendment also strikes the requirement to provide a passing result on the Practice Examination of Psychological Knowledge (PEPK). In addition the amendments strike language regarding the issuance of a two year non-renewable license and the requirement to complete all deficient coursework.

The proposed amendments to 86:20-31-1 waives the application fee for active-duty military service members. The

proposed amendments to 86:20-31-3 waives the application fee for spouses of active-duty military service members.

**AUTHORITY:**

State Board of Behavioral Health Licensure; 59 O.S. 2011; 59 O.S. 2001, Section 1901 et. seq.

**COMMENT PERIOD:**

Persons may submit written comments through November 15, 2019 to Eric Ashmore at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118, or by email to Eric.Ashmore@bbhl.ok.gov.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Eric Ashmore at (405) 522-3696 or eric.ashmore@ok.gov no later than November 16, 2019.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The agency requests that business entities affected by these proposed rules provide the agency with information, within the comment period, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Eric Ashmore at the above address during the period from October 15, 2019 through November 15, 2019.

**COPIES OF PROPOSED RULES:**

The proposed rules may be viewed on the agency's website at www.ok.gov/behavioralhealth and copies may be obtained from the State Board of Behavioral Health Licensure's office located at 3815 N. Santa Fe, Suite 110, Oklahoma City, OK 73118. Copies may also be obtained by written request emailed to Eric.Ashmore@bbhl.ok.gov.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after October 15, 2019 at the above addresses.

**CONTACT PERSON:**

Eric Ashmore, Executive Director, (405) 522-3696, Eric.Ashmore@bbhl.ok.gov.

*[OAR Docket #19-753; filed 9-24-19]*

**TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE  
CHAPTER 145. OKLAHOMA ECONOMIC DEVELOPMENT POOLED FINANCE ACT**

*[OAR Docket #19-744]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General [NEW]

150:145-1-1. Purpose and scope [NEW]

150:145-1-2. Definitions [NEW]

150:145-1-3. Applications [NEW]

Subchapter 2. Infrastructure Pool [NEW]

150:145-2-1. Criteria [NEW]

150:145-2-2. Scoring system [NEW]

Subchapter 3. Economic Development Pool [NEW]

150:145-3-1. Scoring system [NEW]

Subchapter 4. Public-Private Partner Development Pool [NEW]

150:145-4-1. Criteria [NEW]

105:145-4-2. Scoring system [NEW]

**SUMMARY:**

This action is to set out the procedures by which the Oklahoma Department of Commerce shall evaluate applications pursuant to the Oklahoma Economic Development Pooled Finance Act and by which applicants may apply to access the Infrastructure, Economic Development and Public Private Partner Development Pools.

**AUTHORITY:**

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq.; 62 O.S. §§891.10, 891.17; The Oklahoma Department of Commerce.

**COMMENT PERIOD:**

Written and oral comments will be accepted from October 15, 2019 through November 15, 2019, during regular business hours by contacting B. Joshua McGoldrick, Chief of Staff/General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma, 73104, (405) 815-5153, or josh.mcgoldrick@okcommerce.gov.

**PUBLIC HEARING:**

A public hearing will be held on November 22, 2019, at 9:00 a.m. on, at Gallery 1-1, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the end of the comment period to B. Joshua McGoldrick, General Counsel, Oklahoma Department of Commerce at 900 North Stiles Avenue, Oklahoma City, OK 73104. The Department is unaware of any business entities affected by the proposed changes.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma, by contacting B. Joshua McGoldrick at (405) 815-5153, or josh.mcgoldrick@okcommerce.gov.

## Notices of Rulemaking Intent

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### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement has been prepared and is available at the offices of the Oklahoma Department of Commerce (address below).

### **CONTACT PERSON:**

B. Joshua McGoldrick, Chief of Staff/General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma, 73104, (405) 815-5153 or josh.mcgoldrick@okcommerce.gov.

*[OAR Docket #19-744; filed 9-11-19]*

### **TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 1. STATE BOARD OF EDUCATION**

*[OAR Docket #19-759]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions  
210:1-1-2. Definitions [AMENDED]

### **SUMMARY:**

The rule setting out definitions for the State Board of Education chapter of Title 210, last amended in 1998, is being updated to remove outdated content and align appropriately with current law and other State Department of Education regulations.

### **AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1-116; 70 O.S. § 6-101.10; 70 O.S. § 6-103.15 (repealed); 70 O.S. § 6-194; 75 O.S. § 314

### **COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from October 15, 2019 until 4:30 p.m. on Friday, November 15, 2019.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 522-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

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

### **PUBLIC HEARING:**

A public hearing is scheduled for 2:00 p.m. on Friday, November 15, 2019, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

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

*[OAR Docket #19-759; filed 9-25-19]*

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

*[OAR Docket #19-757]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 13. Student Assessment  
210:10-13-20. Academic Performance Index [REVOKED]

### **SUMMARY:**

The Academic Performance Index (API) rule from 2002 is being revoked, due to the API system having been replaced by the current school accountability system pursuant to the federal *Every Student Succeeds Act* (ESSA). Public school accountability in Oklahoma is now governed by 70 O.S. § 1210.545, and the framework described by the API rule is no longer in place.

### **AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.545

**COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from October 15, 2019 until 4:30 p.m. on Friday, November 15, 2019.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 522-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

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

**PUBLIC HEARING:**

A public hearing is scheduled for 2:00 p.m. on Friday, November 15, 2019, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #19-757; filed 9-25-19]*

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

*[OAR Docket #19-758]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 13. Student Assessment

210:10-13-24. Medical exemptions from chronic absenteeism [REVOKED]

**SUMMARY:**

House Bill 1988 (2019) amended 70 O.S. § 1210.545 to eliminate the mandate for the State Board of Education to promulgate rules providing for a medical exemption from the chronic absenteeism provision of the Oklahoma school accountability system. The rule addressing medical exemptions from chronic absenteeism is being revoked pursuant to the HB 1988 amendment repealing the rule mandate.

**AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.545

**COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from October 15, 2019 until 4:30 p.m. on Friday, November 15, 2019.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 522-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

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

**PUBLIC HEARING:**

A public hearing is scheduled for 2:00 p.m. on Friday, November 15, 2019, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also

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available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

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

*[OAR Docket #19-758; filed 9-25-19]*

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

*[OAR Docket #19-755]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULE:**

Subchapter 3. Records and Inspections

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

### **SUMMARY:**

This rule is being amended due to amendments made by the legislature to the governing statute, 40 O.S. §4-508(C). The first amendment to this rule is at subparagraph (b)(2) that will allow metropolitan planning organizations to have access to employment records for regional transportation planning. The second amendment is at subparagraph (b)(9) that will allow Oklahoma tribal law enforcement agencies to use OESC information for criminal investigation. The third amendment is at subparagraph (b)(18) and changes the name of the Wage Record Interchange System to the State Wage Interchange System.

### **AUTHORITY:**

Oklahoma Employment Security Commission; 40 O.S. §§4-302, 4-310.1, and 4-508.

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 13, 2019, at the following address: Gina Antipov, OESC Legal Department, 2401 North Lincoln Boulevard, Room 511-6, P.O. Box 53039, Oklahoma City, OK 73152, or [Gina.Antipov@oesc.state.ok.us](mailto:Gina.Antipov@oesc.state.ok.us).

### **PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m. on Monday, December 16, 2019, at the Oklahoma Employment Security Commission, 5<sup>th</sup> Floor Room 511, Will Rogers Building, 2401 North Lincoln Boulevard, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OESC requests that business entities affected by this proposed rule provide the OESC, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, and labor to the particular business entity due to compliance with the proposed rule. Business entities may submit this information in writing to Gina Antipov, at the above address, before the close of the comment period on December 13, 2019.

### **COPIES OF PROPOSED RULE:**

Copies of the proposed rule may be obtained from the OESC Legal Department, 2401 North Lincoln Boulevard, Room 511-6, P.O. Box 53039, Oklahoma City, OK 73152. The proposed rule is also available on the OESC website at <https://www.ok.gov/oesc/documents/2020%20-%20PROPOSED%20RULES.docx>

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the OESC Legal Department at the above address beginning October 30, 2019.

### **CONTACT PERSON:**

Gina Antipov, Secretary V, (405) 557-7146, [Gina.Antipov@oesc.state.ok.us](mailto:Gina.Antipov@oesc.state.ok.us).

*[OAR Docket #19-755; filed 9-25-19]*

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

*[OAR Docket #19-756]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

240:10-1-2. Definitions [AMENDED]

240:10-1-7. Independent Contractors/Employees - 20 Factor Test [NEW]

Subchapter 3. Benefits

Part 1. General Provisions

240:10-3-3. Cancellation of a Benefit Claim [NEW]

Part 5. Eligibility

240:10-3-21. Educational institutions - between academic terms [AMENDED]

Subchapter 5. Contributions

Part 19. Maintenance and Production of Work Records  
240:10-5-90. Records [AMENDED]  
240:10-5-91. Employer's Quarterly Contribution Wage Reports [AMENDED]

**SUMMARY:**

240:10-1-2. Definitions. Due to the passage of House Bill 1095 in the 2019 legislative session, the definition of "independent contractor" is being deleted from this rule.

240:10-1-7. Independent Contractors/Employees - 20 Factor Test. This is a new rule being proposed in response to the amendment of 40 O.S. §1-210(14) by House Bill 1095 in the 2019 legislative session. The amendments to the statute stated that independent contractor determinations would be made by using the 20 Factor Test set out in Internal Revenue Ruling 87-41. This revenue ruling has been replaced in Internal Revenue Service regulations by another classification system and Revenue Ruling 87-41 no longer appears in the Internal Revenue Service website. The only place where an accurate copy of Revenue Ruling 87-41 can be found is in the archives of George Mason University. This archive will be difficult for employers, claimants, and OESC staff to find. In order to assist those wishing to reference the "20 Factor Test" the relevant provisions of Revenue Ruling 87-41 have been reproduced, word for word, within this rule. This will make it much easier for all parties to research and use the provisions of Revenue Ruling 87-41.

240:10-3-3. Cancellation of a Benefit Claim. This is a new rule that sets out the process a claimant may use to cancel an unemployment benefit claim and the reasons for which a claim may be cancelled. The cancellation of benefits claims has been done through policy guidelines for many years. OESC staff feels that this procedure carries with it extensive consequences for the claimant and employer. Procedures of this type should be in the rules of the agency instead of merely in policy.

240:10-3-21. Educational institutions-between academic terms

In the 2019 legislative session, the statute pertaining to educational service contractors, 40 O.S. §2-209.1, was repealed. The references to section 2-209.1 and educational service contractors must now be removed from this rule. The proposed amendment will make these deletions. No other changes are proposed for this rule.

240:10-5-90. Records. This rule is being amended at subsection (11) to clarify the records that must be kept by an employer for each employee.

240:10-5-91. Employer's Quarterly Contribution Wage Reports. The amendment to this rule will add a new subsection (e) to the rule that will require all employers and third-party administrators to pay taxes on or before the last day of the month following the quarter to which the taxes relate through electronic fund transfer or credit card. This will make the OESC tax process more efficient and will allow for more automation which will then allow OESC to reduce its personnel costs for tax collections. It will also reduce the need for armored car carriers to transport checks and cash for bank deposits. The rule provides that the Commission may grant

an exception to an employer or third-party administrator if a payment by cash or check becomes necessary.

**AUTHORITY:**

Oklahoma Employment Security Commission; 40 O.S. §§4-302, 1-210(14), 3-102, 4-310.1, 4-503, and 4-508.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 13, 2019, at the following address: Gina Antipov, OESC Legal Department, 2401 North Lincoln Boulevard, Room 511-6, P.O. Box 53039, Oklahoma City, OK 73152, or Gina.Antipov@oesc.state.ok.us.

**PUBLIC HEARING:**

A public hearing will be held at 9:00 a.m. on Monday, December 16, 2019, at the Oklahoma Employment Security Commission, 5<sup>th</sup> Floor Room 511, Will Rogers Building, 2401 North Lincoln Boulevard, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The OESC requests that business entities affected by this proposed rule provide the OESC, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, or other costs expected to be incurred by costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, and labor to the particular business entity due to compliance with the proposed rule. Business entities may submit this information in writing to Gina Antipov, at the above address, before the close of the comment period on December 13, 2019.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the OESC Legal Department, 2401 North Lincoln Boulevard, Room 511-6, P.O. Box 53039, Oklahoma City, OK 73152. The proposed rules are also available on the OESC website at <https://www.ok.gov/oesc/documents/2020%20-%20PROPOSED%20RULES.docx>

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared and may be obtained from the OESC Legal Department at the above address beginning October 30, 2019.

**CONTACT PERSON:**

Gina Antipov, Secretary V, (405) 557-7146, Gina.Antipov@oesc.state.ok.us.

[OAR Docket #19-756; filed 9-25-19]

**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION  
CHAPTER 25. ATHLETIC TRAINERS AND APPRENTICES**

[OAR Docket #19-749]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## Notices of Rulemaking Intent

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### PROPOSED RULES:

- Subchapter 1. General Provisions
- 435:25-1-2. Definitions [AMENDED]
- Subchapter 3. Licensure of Athletic Trainers
- 435:25-3-1. Licensure by examination [AMENDED]
- 435:25-3-2. Licensure by endorsement [AMENDED]
- Subchapter 5. Regulation of Athletic Trainer Practice
- 435:25-5-2. Initial licensure; renewal; reinstatement [AMENDED]
- 435:25-5-4. Prescribing drugs [AMENDED]
- 435:25-5-5. Disclosure of examination contents by licensee prohibited [REVOKED]
- Subchapter 7. Licensure of Apprentice Athletic Trainers
- 435:25-7-1. Definitions [REVOKED]
- Subchapter 11. Disciplinary Action
- 435:25-11-2. Investigatory hearings [REVOKED]

### SUMMARY:

The proposed revisions will bring the rules up to date and consistent with updated educational curriculum being taught to Athletic Trainers and pathway for licensure. The name of the national certifying body has been corrected in the proposed amendment. Certification is currently required for initial licensure but not renewal of licensure. The proposed rule amendments also close that loophole, and certification will now be required for licensure renewal as well. ATs will be able to administer and dispense scheduled and legend drugs under the supervision of a physician, but ATs have not been and will not be allowed to prescribe scheduled and legend drugs. These revisions also consolidate the definitions used in the rules related to ATs into one section. Additionally, contradictory language regarding the Committee conducting investigatory hearings that are currently performed by the Board consistent with its statutory authority under the Oklahoma Athletic Trainers Act is being repealed along with a prohibition on disclosure of examination contents as neither the Board nor the Committee administer the BOC Certification Examination.

### AUTHORITY:

Title 59 O.S. §§ 525 et seq; Oklahoma Board of Medical Licensure and Supervision

### COMMENT PERIOD:

Persons wishing to present their views in writing may do so by close of business on November 14, 2019, at the following address: Oklahoma Board of Medical Licensure and Supervision, Attn: Barbara Smith, 101 NE 51st Street, Oklahoma City, Oklahoma 73105 or via email to bsmith@okmedicalboard.org.

### PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Friday, November 22, 2019, at the Oklahoma Board of Medical Licensure and Supervision, 101 NE 51st Street, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:05 a.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Medical Licensure and Supervision website at [www.okmedicalboard.org](http://www.okmedicalboard.org) or you may request a copy in person at 101 NE 51st Street, Oklahoma City, Oklahoma.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and will be available in the Oklahoma Board of Medical Licensure and Supervision office at the address listed above and on the Board's website at [okmedicalboard.org](http://okmedicalboard.org) after October 30, 2019.

### CONTACT PERSON:

Lyle R. Kelsey, Executive Director, (405) 962-1400, [lkelsey@okmedicalboard.org](mailto:lkelsey@okmedicalboard.org).

*[OAR Docket #19-749; filed 9-20-19]*

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## TITLE 540. PHYSICIAN MANPOWER TRAINING COMMISSION CHAPTER 50. OKLAHOMA MEDICAL LOAN REPAYMENT PROGRAM

*[OAR Docket #19-754]*

### RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

### PROPOSED RULES:

540:50-1-4 [AMENDED]

540:50-1-5 [AMENDED]

### SUMMARY:

The Board of Commissioners of the Physician Manpower Training Commission, has adopted the proposed change to the approved maximum amount available for **physicians** for the Physician and Physician Assistant Loan Repayment Program. This rule change also changes the yearly payout for **physicians** over the four year maximum participation period.

The proposed changes would change the maximum amount available for **physicians** from the current \$160,000 to \$200,000 for the Oklahoma Medical Loan Repayment Program. This would change the yearly payout amounts to be \$50,000 at the end of each year of service for a maximum of four years, not to exceed the total debt of the physician. This proposed change is an effort to place rural Oklahoma in a more competitive recruiting position against neighboring states. With the average medical school debt amount increasing each year, the availability of loan repayment assistance is one of the top demands for physicians as they search for a practice location. This change results in the same overall budgeted amount for the Physician and Physician Assistant Loan Repayment Program.

### AUTHORITY:

Physician Manpower Training Commission; 2018 Okla. Sess. Laws ch. 286, (H.B. 2987); 63 O.S., §§ 1-2721 - 1-2723

**COMMENT PERIOD:**

Written comments will be accepted through November 18, 2019, at the Physician Manpower Training Commission, 5500 N. Western Avenue, Suite 201, Oklahoma City, OK 73118-4022, Attn: Janie Thompson, or by email to Janie.Thompson@PMTC.ok.gov

**PUBLIC HEARING:**

A Public hearing will be held to provide an opportunity for person to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. Public hearings will be held as follows:

Tuesday, November 19<sup>th</sup>, 2019, at 2:00 p.m. in the office of the PMTC, 2<sup>nd</sup> floor, Suite 201, center conference room, 5500 North Western Avenue, Suite 201, Oklahoma City, Oklahoma, 73118-4022. <http://pmtc.publishpath.com/default.aspx>

and copies of the proposed changes may be obtained from the Physician Manpower Training Commission office located at 5500 North Western Avenue, Suite 201, Oklahoma City, Oklahoma 73118-4022 or email to Janie.Thompson@PMTC.ok.gov.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The PMTC requests that business entities affected by these proposed rules provide the PMTC, within the comment period a written statement in regard to health workforce, community impact and sponsor contributions, and indirect costs associated with potential recordkeeping and reporting. Business entities may submit this information in writing to Janie S. Thompson, 5500 North Western Avenue, Suite 201, Oklahoma City, Oklahoma, 73118-4022.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Physician Manpower Training Commission, 5500 North Western Avenue, Suite 201, Oklahoma City, Oklahoma, 73118-4022.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. 1991 Section 303(D), a rule impact statement has been prepared and may be obtained from the Physician Manpower Training Commission at the above address.

**CONTACT PERSON:**

Janie Thompson, Deputy Director, (405) 843-5667, [janie.thompson@pmtc.ok.gov](mailto:janie.thompson@pmtc.ok.gov) or for legal questions: Joe Ashbaker, Assistant Attorney General, (405) 522-2974, [Joe.Ashbaker@oag.ok.gov](mailto:Joe.Ashbaker@oag.ok.gov).

*[OAR Docket #19-754; filed 9-25-19]*

**TITLE 655. SECRETARY OF STATE  
CHAPTER 25. NOTARY PUBLIC**

*[OAR Docket #19-742]*

**RULEMAKING ACTION:**

Notice of proposed EMERGENCY rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
  - 655:25-1-1.1. Availability of forms and instructions [AMENDED]
  - 655:25-1-2. Application for commission as a notary public; renewal [AMENDED]
  - 655:25-1-5. Bond, oaths, signatures, and seal; failure to file [AMENDED]
    - 655:25-1-5.1. Term of notary commission [NEW]
    - 655:25-1-8. Electronic notarization and seal [NEW]
- Subchapter 3. Revocation, Resignation, and Death
  - 655:25-3-1. Revocation [AMENDED]
  - 655:25-3-2. Resignation [AMENDED]
  - 655:25-3-3. Death [AMENDED]
- Subchapter 5. Seal
  - 655:25-5-2. Official seal [AMENDED]
  - 655:25-5-3. Lost ~~journal~~ or stolen seal [AMENDED]
- Subchapter 7. Change of Name or Address [NEW]
  - 655:25-7-1. Change of address [NEW]
  - 655:25-7-2. Change of name [NEW]
- Subchapter 11. Remote Online Notarization [NEW]
  - 655:25-11-1. Purpose [NEW]
  - 655:25-11-2. Definitions [NEW]
  - 655:25-11-3. Registration to perform remote online notarizations [NEW]
  - 655:25-11-4. Electronic signature and electronic seals [NEW]
  - 655:25-11-5. Standards for identity verification [NEW]
  - 655:25-11-6. Standards for communication technology [NEW]
  - 655:25-11-7. Certificate of notarial act for remote online notarizations [NEW]
  - 655:25-11-8. Record retention and depositories [NEW]
- Appendix A. Contents and Sufficiency of Certificates of Remote Online Notarial Acts [NEW]

**SUMMARY:**

Emergency amendments and additions to Chapter 25 of the Secretary of State's administrative rules [OAC 655:25] are proposed to implement the Remote Online Notary Act, as enacted in SB 915 (2019), effective January 1, 2020.

SB 915 requires the Secretary of State to promulgate rules to implement and ensure the effective administration of the Remote Online Notary Act.

These emergency amendments will also bring previously enacted rules, related to the commissioning of traditional notaries, into compliance with SB 915 (2019) and Title 49 of the Oklahoma Statutes.

**AUTHORITY:**

Secretary of State; 49 O.S., § 203; SB 915 (2019)

**COMMENT PERIOD:**

Although not required for proposed emergency rules, as set forth in 75 O.S., § 253(J)(1), the Secretary of State is opening an abbreviated comment period to receive comments from interested parties. Persons wishing to submit written comments must do so by October 31, 2019. Written comments should be submitted to Chris Coffman at 421 NW 13<sup>th</sup>

## Notices of Rulemaking Intent

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St., Suite 210, Oklahoma City, OK 73103 (postal) or to [chris.coffman@sos.ok.gov](mailto:chris.coffman@sos.ok.gov) (email).

### **PUBLIC HEARING:**

A public hearing is not required for proposed emergency rules pursuant to 75 O.S., § 253(J)(1).

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed emergency rules may provide the Secretary of State with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed emergency rules. Business entities may submit this information in writing to Chris Coffman at the above address during the comment period.

### **COPIES OF PROPOSED RULES:**

The proposed emergency rules are available on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>. Copies of the proposed rules may also be obtained by contacting Chris Coffman at 405-521-4911, [chris.coffman@sos.ok.gov](mailto:chris.coffman@sos.ok.gov) (email), or 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal).

### **RULE IMPACT STATEMENT:**

As required by 75 O.S., Section 303(D), a rule impact statement will be prepared and available on and after October 15, 2019, on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>, and from Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or [chris.coffman@sos.ok.gov](mailto:chris.coffman@sos.ok.gov) (email).

### **CONTACT PERSON:**

Chris Coffman, Rules Liaison, 405-521-4911 or [chris.coffman@sos.ok.gov](mailto:chris.coffman@sos.ok.gov).

*[OAR Docket #19-742; filed 9-9-19]*

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## **TITLE 655. SECRETARY OF STATE CHAPTER 35. CERTIFICATION AUTHORITIES**

*[OAR Docket #19-742A]*

### **RULEMAKING ACTION:**

Notice of proposed EMERGENCY rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions [NEW]

655:35-1-1. Purpose [NEW]

Subchapter 3. Reciprocity [NEW]

655:35-3-1. Reciprocity [NEW]

655:35-3-2. Lapse of out-of-state license [NEW]

### **SUMMARY:**

Emergency rules that establish certification authority reciprocity with states, U.S. territories, and foreign

jurisdictions, as authorized by 12A O.S., § 15-121, are needed for the January 1, 2020, implementation of the Remote Online Notary Act [SB 915 (2019)]. Certification authorities issue digital certificates, which are required during the remote online notarization process.

### **AUTHORITY:**

Secretary of State; 12A O.S., § 15-121; 49 O.S., § 203

### **COMMENT PERIOD:**

Although not required for proposed emergency rules, as set forth in 75 O.S., § 253(J)(1), the Secretary of State is opening an abbreviated comment period to receive comments from interested parties. Persons wishing to submit written comments must do so by October 31, 2019. Written comments should be submitted to Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or to [chris.coffman@sos.ok.gov](mailto:chris.coffman@sos.ok.gov) (email).

### **PUBLIC HEARING:**

A public hearing is not required for proposed emergency rules pursuant to 75 O.S., § 253(J)(1).

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed emergency rules may provide the Secretary of State with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed emergency rules. Business entities may submit this information in writing to Chris Coffman at the above address during the comment period.

### **COPIES OF PROPOSED RULES:**

The proposed emergency rules are available on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>. Copies of the proposed rules may also be obtained by contacting Chris Coffman at 405-521-4911, [chris.coffman@sos.ok.gov](mailto:chris.coffman@sos.ok.gov) (email), or 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal).

### **RULE IMPACT STATEMENT:**

As required by 75 O.S., Section 303(D), a rule impact statement will be prepared and available on and after October 15, 2019, on the Secretary of State's website at <https://www.sos.ok.gov/home/rulesProposed.aspx>, and from Chris Coffman at 421 NW 13th St., Suite 210, Oklahoma City, OK 73103 (postal) or [chris.coffman@sos.ok.gov](mailto:chris.coffman@sos.ok.gov) (email).

### **CONTACT PERSON:**

Chris Coffman, Rules Liaison, 405-521-4911 or [chris.coffman@sos.ok.gov](mailto:chris.coffman@sos.ok.gov).

*[OAR Docket #19-742A; filed 9-9-19]*

**TITLE 777. STATEWIDE VIRTUAL  
CHARTER SCHOOL BOARD  
CHAPTER 10. STATEWIDE VIRTUAL  
CHARTER SCHOOLS**

*[OAR Docket #19-745]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Statewide Virtual Charter School Sponsorship

777:10-3-4. [AMENDED]

**SUMMARY:**

These proposed rule changes include clean-up language; adding to the list of oversight submissions; and adding language regarding annual audits.

**AUTHORITY:**

Statewide Virtual Charter School Board; 70 O.S., §§ 3-145 et seq.

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 12:00 p.m. on November 15, 2019, at the following address: 2500 N. Lincoln Boulevard, Suite 4-37, Oklahoma City, Oklahoma.

**PUBLIC HEARING**

A public hearing will be held at 2:00 p.m. on Tuesday, January 21, 2020 at the Hodge Building 2500 N. Lincoln Boulevard, Suite 4-37, Oklahoma City, Oklahoma, to provide

an opportunity for persons to orally present their views. Each person will be allowed a maximum of five (5) minutes to speak.  
**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect cost, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period on January 21, 2020, at the Statewide Virtual Charter School Board, 2500 North Lincoln Boulevard, Suite 4-37, Oklahoma City, Oklahoma 73105.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Statewide Virtual Charter School Board, 2500 N. Lincoln, Suite 4-37, Oklahoma City, Oklahoma 73105. The proposed rules are also available on the SVCSB website at <http://svcsb.ok.gov>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available for review prior to October 30, 2019.

**CONTACT PERSON:**

Lynn Stickney 405-522-8849

*[OAR Docket #19-745; filed 9-12-19]*



# 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

**1:2019-37.**

### EXECUTIVE ORDER 2019-37

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby establish the Governor's Science, Technology, Engineering, and Math (STEM) Council ("Council").

The Council shall consist of between eight (8) and twelve (12) members, who shall be appointed by the Governor and serve at the pleasure of the Governor and the Secretary of Science and Innovation. The Secretary of Science and Innovation shall chair the Council and will select a vice-chair and such other officers as the Council deems appropriate.

The purpose of the Council shall be to review all aspects of STEM and healthcare education in the State of Oklahoma including science, technology, engineering and mathematics and healthcare related subjects and to propose recommendations to the Governor. As part of this process, the Council shall define and periodically review a STEM Education Strategic Plan for the State of Oklahoma, and present such a Plan, and any proposed changes to existing Plans, to the Governor.

Administrative support for the Council including, but not limited to, personnel necessary to ensure the proper performance of the duties and responsibilities of the Council shall be provided by the Oklahoma State Regents for Higher Education.

Council members employed by a state agency shall be reimbursed travel expenses related to their service on the Council as authorized by state law by their respective agency. Legislative members of the Council shall be reimbursed by their respective legislative bodies for necessary travel expenses incurred in the performance of their duties as authorized by state law. Remaining Council members shall be reimbursed travel expenses related to their services on the Council as authorized by state law by the Oklahoma State Regents for Higher Education.

This Executive Order shall be distributed to the Secretary of Science and Innovation and the Oklahoma State Regents for Higher Education, which shall cause the provisions of this Order to be implemented.

**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 this 17<sup>th</sup> day of September, 2019.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

[OAR Docket #19-746; filed 9-17-19]

**1:2019-38.**

### EXECUTIVE ORDER 2019-38

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby establish the Governor's Science and Innovation Council ("Council").

The Council shall consist of ten (10) members, who shall be appointed by the Governor and serve at the pleasure of the Governor and the Secretary of Science and Innovation. The Secretary of Science and Innovation shall chair the Council and will select a vice-chair and such other officers as the Council deems appropriate.

The purpose of the Council shall be to review all aspects of science and technology (S&T) in the State of Oklahoma including science, technology, engineering and mathematics (STEM) education and economic development and capital investment in S&T. As part of this process, the Council shall define and periodically review a Science & Innovation Strategic Plan for the State of Oklahoma, and present such a Plan, and any proposed changes to existing Plans, to the Governor.

Administrative support for the Council including, but not limited to, personnel necessary to ensure the proper performance of the duties and responsibilities of the Council shall be provided by the Oklahoma Center for the Advancement of Science and Technology.

Council members employed by a state agency shall be reimbursed travel expenses related to their service on the Council as

## Executive Orders

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authorized by state law by their respective agency. Legislative members of the Council shall be reimbursed by their respective legislative bodies for necessary travel expenses incurred in the performance of their duties as authorized by state law. Remaining Council members shall be reimbursed travel expenses related to their services on the Council as authorized by state law by the Oklahoma Center for the Advancement of Science and Technology.

This Executive Order shall be distributed to the Secretary of Science and Innovation and the Oklahoma Center for the Advancement of Science and Technology, which shall cause the provisions of this Order to be implemented.

**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 this 17<sup>th</sup> day of September, 2019.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #19-747; filed 9-17-19]*

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**1:2019-39.**

### EXECUTIVE ORDER 2019-39

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby establish the Governor's Aerospace and Autonomous Systems Council ("Council").

The Council shall consist of between eight (8) and twelve (12) members, who shall be appointed by the Governor and serve at the pleasure of the Governor. The Secretary of Science and Innovation shall chair the Council and may select a vice-chair.

The purpose of the Council shall be to review all aspects of the development of Aerospace and Autonomous Systems (AAS) and related technologies in the state, including, but not limited to, research and development, workforce development, economic development, and capital investment. For the purposes of this Council, Aerospace and Autonomous Systems shall principally denote activities in science, engineering, aerospace, business and other disciplines associated with aerospace and manned or unmanned autonomous or semi-autonomous systems in space, on the ground, and on or within bodies of water including lakes, rivers, and oceans. As part of this process, the Council shall define and periodically review an AAS strategic plan for the State of Oklahoma, and present

such a strategic plan, and any proposed changes to existing strategic plans, to the Governor. The Council shall also act in an advisory capacity to the Governor on all issues related to AAS and related technology and economic development.

Administrative support for the Council, including, but not limited to, personnel necessary to ensure the proper performance of the duties and responsibilities of the Council, shall be provided by the Oklahoma Department of Commerce.

Council members will be selected from various areas including postsecondary education, the private sector, federally recognized Indian tribes, state agencies, non-profit organizations and appropriate federal agencies located in the state. Council members employed by a state agency shall be reimbursed travel expenses related to their service on the Council by their respective state agency as authorized by state law. Council members employed by a federal agency shall be reimbursed travel expenses related to their service on the Council by their respective federal agency as authorized by federal law. Legislative members of the Council shall be reimbursed by their respective legislative bodies for necessary travel expenses incurred in the performance of their duties as authorized by state law. Remaining Council members shall be reimbursed travel expenses related to their service on the Council as authorized by state law by the Oklahoma Department of Commerce.

This Executive Order shall be distributed to the Secretary of Science and Innovation and the Oklahoma Department of Commerce, who shall cause the provisions of this Order to be implemented.

**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 this 17<sup>th</sup> day of September, 2019.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #19-748; filed 9-17-19]*

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**1:2019-40.**

### EXECUTIVE ORDER 2019-40

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, hereby order all State agencies, boards, and commissions (other than State higher education member institutions and local school district boards) that desire to apply for a grant in excess of \$50,000.00 of any kind from any person or organization, including but

not limited to any state government, any private or public foundation, any individual, or any non-profit organization, but excluding the Federal government, to obtain the written approval of the appropriate Cabinet Secretary prior to beginning the grant application process. If a grant application is approved as described above, the Cabinet Secretary will communicate the details of such grant application to the Secretary of Budget.

All State agencies, boards, and commissions (other than State higher education member institutions and local school district boards) that desire to apply for a grant in excess of \$100,000.00 of any kind from the Federal government, whether for proposed Federal financial assistance and/or direct Federal development, are hereby ordered to obtain the written approval of the appropriate Cabinet Secretary and the Secretary of Budget prior to beginning the grant application process; provided, however, this Order shall not apply to (i) "emergency" grant funds from the Federal government where the time from application to distribution of funds is typically less than 10 days, as is often the case with grants from the Federal Emergency Management Agency, and (ii) "formula" grants from the Federal government that an agency, board, or commission has applied for in the past and received. For these purposes, a "formula" grant is one where the Federal government employs a calculation or formula to determine how much money a state will receive, as with Medicaid, Highway Planning and Construction, Family Assistance Grants, Title I Local Education Grants, Head Start, and other similar grants.

The Secretary of Budget is hereby designated as the State of Oklahoma's single point of contact ("SPOC") pursuant to Presidential Executive Order 12372 to act as the State's contact for the coordination and review of any proposed Federal assistance and/or direct Federal development.

Copies of this Executive Order shall be distributed to each Cabinet Secretary and the chief executives of every State agency, board, and commission for immediate implementation.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 23<sup>rd</sup> day of September, 2019.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

[OAR Docket #19-750; filed 9-24-19]

1:2019-41.

EXECUTIVE ORDER 2019-41

Whereas, on Saturday, September 14, 2019, riotous behavior involving approximately 150 to 200 inmates in one Oklahoma prison was initiated by inmate gang leaders and gang members and spread to five additional Oklahoma prisons nearly simultaneously during the afternoon of Sunday, September 15, 2019, facilitated by communication between inmates through the use of contraband cellphones resulting in all prisons in the system being placed on lockdown; and

Whereas, at this time compelling evidence exists that riotous behavior may resume when the current state-wide lockdown is lifted; and

Whereas, the proliferation of contraband cellphones in Oklahoma prisons constitutes an ongoing, serious, and eminent public safety threat; and

Whereas, contraband cellphones are used to facilitate criminal activity in and out of prisons including initiating and spreading riotous behavior within and across multiple prisons; and

Whereas, the targets of a significant number of wire intercepts sought by State law enforcement agents and approved by judges are inmates in state prisons using contraband cellphones to engage in criminal activity, often as part of complex criminal organizations; and

Whereas, the wire intercepts of inmate conversations on contraband cellphones oftencapture evidence of crimes ranging from drug trafficking to fraud to conspiracy to commit murder; and

Whereas, despite considerable effort by the Oklahoma Department of Corrections to prevent cellphones from entering facilities and to confiscate contraband cellphones found in facilities the threat these devices pose persists unabated; and

Whereas, the considerable efforts of the executive, legislative and judicial branches of government continue to be inadequate to stop or even curtail the overwhelming challenge and significant threat of contraband cellphones; and

Whereas, technologies exists that are capable of mitigating the public safety threat posed by contraband cellphones;

Now therefore, 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, hereby order the Oklahoma Secretary of Public Safety, the Oklahoma Secretary of Digital Transformation and Administration, and the Oklahoma Department of Corrections to immediately undertake all necessary efforts to research and

## Executive Orders

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explore the availability, benefits, costs, practicality, efficacy, liability, and legality of all technology solutions capable of mitigating in whole or in part, to the greatest extent possible, the public safety threat of contraband cellphones in Oklahoma prisons and correctional facilities including geo-location systems, cellphone jammers, micro cellphone jammers, controlled access systems and hybrid systems; and

I further order the Department to acquire the technology or technologies determined by the secretaries and the Department to be the most cost-effective deterrents to contraband cellphones and, as necessary, to actively seek and obtain all legal authorizations required for the use of any technologies requiring the same, and to deploy such technology solutions in those facilities or parts of facilities identified by the Department as necessary to accomplish the purpose of this Executive Order; and

I further order the secretaries and the Department to work with Oklahoma's Congressional delegation and Federal agencies as necessary to determine what actions are being taken by the Federal government in Federal correctional facilities to eliminate this crisis of contraband cellphones; and

I further order the secretaries and the Department to research the liability of cellphone service companies that provide cellphone service to or for contraband cellphones and develop a plan to hold those companies accountable; and

I further order the secretaries and the Department to proceed with utmost urgency, consistent with all applicable laws and the public safety and welfare of Oklahoma citizens; and

I further order that the secretaries and the Department regularly report to me on the progress of carrying out the requirements of this Executive Order, including on the identification, acquisition and use of technology to mitigate the threat posed by contraband cellphones, and any obstacles to acquiring and using the necessary technology or technologies.

This Executive Order shall be distributed to the Secretaries of Public Safety, and Digital Transformation and Administration, and the Interim Director of the Oklahoma Department of Corrections, who shall cause the provisions of this Order to be implemented forthwith.

**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 this 27<sup>th</sup> day of September, 2019.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #19-761; filed 9-27-19]*

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