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Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	iv
Agency Index (Title numbers assigned)	v
Submissions to Governor and Legislature	
Accountancy Board, Oklahoma (Title 10)	331
Alcohol and Drug Influence, Board of Tests for (Title 40)	331, 332
Corporation Commission (Title 165)	332, 333
Educational Quality and Accountability, Office of (Title 218)	333
Health Care Authority, Oklahoma (Title 317)	334, 335
Police Pension and Retirement System, Oklahoma (Title 550)	336
Speech-Language Pathology and Audiology, Board of Examiners for (Title 690)	336
Water Resources Board, Oklahoma (Title 785)	336, 337, 338
Executive Orders (Title 1)	339

Agency/Action/Subject Index

ACCOUNTANCY Board, Oklahoma (Title 10)

Submissions to Governor and Legislature

Licensure and Regulation of Accountancy
(Chapter 15) 331

ALCOHOL and Drug Influence, Board of Tests for (Title 40)

Submissions to Governor and Legislature

Organization, Operations, Procedures and Policies
(Chapter 1) 331
Personnel (Chapter 10) 331
Analysis of Alcohol in Breath (Chapter 30) 331
Ignition Interlock Devices (Chapter 50) 332

CORPORATION Commission (Title 165)

Submissions to Governor and Legislature

Fuel, Purchased Gas, and Purchased Power Adjustment
Clauses (Chapter 50) 332
Telecommunications Services (Chapter 55) 332
Resellers of Interexchange Telecommunications Services
(Chapter 56) 332
Operator Service Providers Telecommunications Services
(Chapter 57) 333
Facilitation and Provisioning of Payphone Service
(Chapter 58) 333
Oklahoma Universal Service and Oklahoma Lifeline
(Chapter 59) 333

EDUCATIONAL Quality and Accountability, Office of (Title 218)

Submissions to Governor and Legislature

Administrative Operations (Chapter 1) 333
Educational Quality (Chapter 10) 333

GOVERNOR

Executive Orders

Amending EO 2019-1, creating Cabinet System
(19-1A) 339
Amending EO 2019-3, ordering state agency personnel freeze
(19-3A) 343

HEALTH Care Authority, Oklahoma (Title 317)

Submissions to Governor and Legislature

Medical Providers-Fee for Service (Chapter 30) 334
Medical Assistance for Adults and Children-Eligibility
(Chapter 35) 334, 335

POLICE Pension and Retirement System, Oklahoma (Title 550)

Submissions to Governor and Legislature

Administrative Operations (Chapter 1) 336
Oklahoma Police Deferred Option Plan (Chapter 15) 336

SPEECH-LANGUAGE Pathology and Audiology, Board of Examiners for (Title 690)

Submissions to Governor and Legislature

Licensure and Fees (Chapter 10) 336

WATER Resources Board, Oklahoma (Title 785)

Submissions to Governor and Legislature

Fees (Chapter 5) 336
Taking and Use of Groundwater (Chapter 30) 336
Well Driller and Pump Installer Licensing (Chapter 35) ... 337
Oklahoma's Water Quality Standards (Chapter 45) 337
Implementation of Oklahoma's Water Quality Standards
(Chapter 46) 337
Financial Assistance (Chapter 50) 338

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
210:20-9-91. [AMENDED] (E)	13	475:35-1-3. [AMENDED] (E)	310
260:25-15-52. [AMENDED] (E)	221	475:35-1-4. [AMENDED] (E)	311
310:681-1-4. [NEW] (E)	223	475:40-1-2. [AMENDED] (E)	311
310:681-5-8.1. [NEW] (E)	225	540:35-1-3. [AMENDED] (E)	100
317:30-5-20. [AMENDED] (E)	127	540:35-1-4. [AMENDED] (E)	100
317:30-5-40.1. [AMENDED] (E)	128	540:35-1-5. [AMENDED] (E)	101
317:30-5-42.10. [AMENDED] (E)	128	540:35-1-7. [AMENDED] (E)	101
340:25-5-168. [AMENDED] (E)	97	540:45-1-4. [AMENDED] (E)	102
340:110-1-5. [AMENDED] (E)	182	540:50-1-1. [AMENDED] (E)	103
340:110-1-8.3. [AMENDED] (E)	182	540:50-1-2. [AMENDED] (E)	103
340:110-1-8.6. [AMENDED] (E)	186	540:50-1-3. [AMENDED] (E)	103
340:110-1-9. [AMENDED] (E)	186	540:50-1-4. [AMENDED] (E)	103
340:110-1-15. [AMENDED] (E)	188	540:50-1-5. [AMENDED] (E)	103
340:110-1-17. [AMENDED] (E)	189	540:50-1-6. [AMENDED] (E)	103
340:110-1-54. [AMENDED] (E)	191	540:50-1-7. [AMENDED] (E)	104
340:110-3-281.3. [AMENDED] (E)	192	540:50-1-8. [AMENDED] (E)	104
340:110-3-284.2. [AMENDED] (E)	193	710:50-15-50. [AMENDED] (E)	35
340:110-5-30. [AMENDED] (E)	194	710:50-15-76. [AMENDED] (E)	36
340:110-5-59. [AMENDED] (E)	195	710:50-15-103. [AMENDED] (E)	37
340:110-5-61.1. [AMENDED] (E)	196	710:65-19-216. [NEW] (E)	16
377:10-16-1. [NEW] (E)	61	715:1-1-10. [AMENDED] (E)	63
475:10-1-4. [AMENDED] (E)	303	715:10-5-4. [AMENDED] (E)	65
475:10-1-18. [AMENDED] (E)	304	715:10-5-37. [NEW] (E)	66
475:20-1-3. [AMENDED] (E)	305	715:10-9-6. [AMENDED] (E)	66
475:20-1-4. [AMENDED] (E)	305	715:10-13-13. [AMENDED] (E)	67
475:20-1-5. [AMENDED] (E)	306	715:10-15-7.2. [AMENDED] (E)	67
475:25-1-2. [AMENDED] (E)	307	715:10-15-15. [AMENDED] (E)	68
475:25-1-4. [AMENDED] (E)	307	715:10-15-16. [AMENDED] (E)	69
475:25-1-9. [AMENDED] (E)	308	780:20-3-1. [AMENDED] (E)	17
475:25-1-10. [AMENDED] (E)	308	780:20-3-4. [AMENDED] (E)	20
475:25-1-14. [AMENDED] (E)	308	800:10-1-5. [AMENDED] (E)	227
475:25-1-15. [AMENDED] (E)	308	800:25-7-19. [AMENDED] (E)	229
475:25-1-16. [AMENDED] (E)	308	800:25-7-48. [AMENDED] (E)	229
475:25-1-17. [AMENDED] (E)	308	800:25-7-50. [AMENDED] (E)	230
475:30-1-1. [AMENDED] (E)	309	800:25-7-57. [AMENDED] (E)	230
475:30-1-4. [AMENDED] (E)	62	800:25-7-67. [AMENDED] (E)	231

Agency/Title Index

[Assigned as of 3-15-19]

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

Agency/Title Index – *continued*

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

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

Submissions to Governor and Legislature

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

TITLE 10. OKLAHOMA ACCOUNTANCY BOARD CHAPTER 15. LICENSURE AND REGULATION OF ACCOUNTANCY

[OAR Docket #19-174]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 23. Registration
- 10:15-23-1. [AMENDED]
- Subchapter 27. Fees
- 10:15-27-3.1. [AMENDED]
- 10:15-27-5. [AMENDED]
- 10:15-27-7.2. [AMENDED]
- 10:15-27-8. [AMENDED]
- 10:15-27-9. [AMENDED]
- 10:15-27-10. [AMENDED]
- 10:15-27-14. [AMENDED]
- 10:15-27-15. [NEW]
- Subchapter 30. Continuing Professional Education
- 10:15-30-8. [AMENDED]
- Subchapter 33. Peer Review
- 10:15-33-4. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 25, 2019

[OAR Docket #19-174; filed 2-25-19]

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 1. ORGANIZATION, OPERATIONS, PROCEDURES AND POLICIES

[OAR Docket #19-164]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

- 40:1-1-2. Organization, powers, and duties [AMENDED]
- 40:1-1-3. General course and method of operation [AMENDED]
- 40:1-1-4. Policies and procedures for rule-making [AMENDED]
- 40:1-1-5. Rules of practice for individual proceedings [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE

February 22, 2019

[OAR Docket #19-164; filed 2-22-19]

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 10. PERSONNEL

[OAR Docket #19-165]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

- Subchapter 3. Breath-Alcohol Analysts
- 40:10-3-1. Qualifications and requirements for breath-alcohol operators (initial permits) [AMENDED]
- 40:10-3-2. Qualifications and requirements for breath-alcohol specialist (initial permit) [REVOKED]
- 40:10-3-3. Qualifications and requirements for breath-alcohol operators (renewal permits) [AMENDED]
- 40:10-3-4. Qualifications and requirements for breath-alcohol specialist (renewal permits) [REVOKED]
- 40:10-3-5. Reinstatement of expired breath-alcohol analysis permits [AMENDED]
- 40:10-3-9. Qualifications and requirements for Independent breath-alcohol Specialist (initial permit) [REVOKED]
- Subchapter 5. Breath Sample Collection Personnel
- 40:10-5-1. Qualifications for the collection of specimens of breath for determination of their alcohol concentration [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE

February 22, 2019

[OAR Docket #19-165; filed 2-22-19]

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 30. ANALYSIS OF ALCOHOL IN BREATH

[OAR Docket #19-166]

RULEMAKING ACTION:

Submission to Governor and Legislature

Submissions to Governor and Legislature

PROPOSED RULES:

40:30-1-3. Breath-alcohol analysis with Board approved devices [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE

February 22, 2019

[OAR Docket #19-166; filed 2-22-19]

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 50. IGNITION INTERLOCK DEVICES

[OAR Docket #19-167]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

40:50-1-2. Device certification process [AMENDED]

40:50-1-2.4. Modification of a certified device [AMENDED]

40:50-1-3.1. Violation reset [AMENDED]

40:50-1-3.2. Reporting requirements [AMENDED]

40:50-1-5. Maintenance and calibration [AMENDED]

40:50-1-8. Ignition interlock technician [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE

February 22, 2019

[OAR Docket #19-167; filed 2-22-19]

TITLE 165. CORPORATION COMMISSION CHAPTER 50. FUEL, PURCHASED GAS, AND PURCHASED POWER ADJUSTMENT CLAUSES

[OAR Docket #19-155]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

165:50-1-2. Definitions [AMENDED]

Subchapter 3. Contents and Standard Provisions of Adjustment Clauses

165:50-3-2. Standard fuel and purchased gas adjustment clause provisions [AMENDED]

Subchapter 5. Requirements and Procedures Relating to Adjustment Clauses Employed by Public Utilities

165:50-5-2. Monthly adjustments with respect to any approved fuel adjustment clause [AMENDED]

165:50-5-3. Monitoring of fuel adjustment clauses [AMENDED]

165:50-5-5. Report of fuel adjustment clauses by the electric generation cooperatives [AMENDED]

165:50-5-6. Inapplicability of certain rules to electric distribution cooperatives [AMENDED]

Subchapter 7. Purchased Power Adjustment Clauses for Electric Distribution Cooperatives

165:50-7-2. Monitoring of application of adjustment clauses [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 15, 2019

[OAR Docket #19-155; filed 2-15-19]

TITLE 165. CORPORATION COMMISSION CHAPTER 55. TELECOMMUNICATIONS SERVICES

[OAR Docket #19-156]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Certificates, Reports, and Records

Part 5. Record Requirements

165:55-3-22. Records to be provided to the Commission [AMENDED]

Subchapter 7. Directories, Telephone Numbers, and Customer-Provided Equipment

165:55-7-1. Telephone directories [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 15, 2019

[OAR Docket #19-156; filed 2-15-19]

TITLE 165. CORPORATION COMMISSION CHAPTER 56. RESELLERS OF INTEREXCHANGE TELECOMMUNICATIONS SERVICES

[OAR Docket #19-157]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 7. Record Requirements

Part 7. Record Requirements

165:56-7-4. Records to be provided to the Commission [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 15, 2019

[OAR Docket #19-157; filed 2-15-19]

**TITLE 165. CORPORATION COMMISSION
CHAPTER 57. OPERATOR SERVICE PROVIDERS TELECOMMUNICATIONS SERVICES**

[OAR Docket #19-158]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Certificates, Reports, and Records
Part 3. General Requirements for Records and Reports
165:57-5-23. Records to be provided to the Commission [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 15, 2019

[OAR Docket #19-158; filed 2-15-19]

**TITLE 165. CORPORATION COMMISSION
CHAPTER 58. FACILITATION AND PROVISIONING OF PAYPHONE SERVICE**

[OAR Docket #19-159]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Certificates, Reports, and Records
Part 5. Record Requirements
165:58-3-22. Records to be provided to the Commission [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 15, 2019

[OAR Docket #19-159; filed 2-15-19]

**TITLE 165. CORPORATION COMMISSION
CHAPTER 59. OKLAHOMA UNIVERSAL SERVICE AND OKLAHOMA LIFELINE**

[OAR Docket #19-160]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Oklahoma Universal Service Fund
Part 9. Request for OUSF Funding
165:59-3-64. Identifying and measuring the level of OUSF funding [AMENDED]
165:59-3-70. Procedures for requesting funding from the OUSF - Primary Universal Service [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 15, 2019

[OAR Docket #19-160; filed 2-15-19]

**TITLE 218. OFFICE OF EDUCATIONAL QUALITY AND ACCOUNTABILITY
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #19-154]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

218:1-1-3 [AMENDED]
218:1-1-4 [AMENDED]
218:1-1-6 [AMENDED]
218:1-1-8 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 15, 2019

[OAR Docket #19-154; filed 2-15-19]

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

[OAR Docket #19-153]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Educator Preparation Program Accreditation
218:10-5-1 [AMENDED]
218:10-5-3 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 15, 2019

[OAR Docket #19-153; filed 2-15-19]

Submissions to Governor and Legislature

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

[OAR Docket #19-144]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies
Part 3. General Medical Program Information
317:30-3-40 [AMENDED]
(Reference APA WF # 18-22A)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 15, 2019

[OAR Docket #19-144; filed 2-15-19]

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

[OAR Docket #19-145]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-28 [AMENDED]
(Reference APA WF # 18-10)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 15, 2019

[OAR Docket #19-145; filed 2-15-19]

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

[OAR Docket #19-146]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 6. Inpatient Psychiatric Services

317:30-5-95.1 [AMENDED]

317:30-5-95.34 [AMENDED]

(Reference APA WF # 18-06)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 15, 2019

[OAR Docket #19-146; filed 2-15-19]

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

[OAR Docket #19-147]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 85. Advantage Program Waiver Services
317:30-5-761 [AMENDED]
317:30-5-763 [AMENDED]
(Reference APA WF # 18-21A)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 15, 2019

[OAR Docket #19-147; filed 2-15-19]

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

[OAR Docket #19-148]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Eligibility and Countable Income
Part 5. Countable Income and Resources
317:35-5-42 [AMENDED]
(Reference APA WF # 18-05)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 15, 2019

[OAR Docket #19-148; filed 2-15-19]

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

[OAR Docket #19-149]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 18. Programs of All-Inclusive Care for the Elderly

317:35-18-5 [AMENDED]

(Reference APA WF # 18-20)

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

February 15, 2019

[OAR Docket #19-149; filed 2-15-19]

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

[OAR Docket #19-150]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 21. Oklahoma Cares Breast and Cervical Cancer Treatment Program

317:35-21-1 [AMENDED]

317:35-21-3 [AMENDED]

317:35-21-4 [AMENDED]

317:35-21-5 [AMENDED]

317:35-21-6 [AMENDED]

317:35-21-9 [AMENDED]

317:35-21-11 [AMENDED]

317:35-21-12 [AMENDED]

317:35-21-14 [AMENDED]

(Reference APA WF # 18-19)

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

February 15, 2019

[OAR Docket #19-150; filed 2-15-19]

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

[OAR Docket #19-151]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Eligibility and Countable Income

Part 1. Determination of Qualifying Categorical Relationships

317:35-5-4 [AMENDED]

317:35-5-4.1 [AMENDED]

Part 5. Countable Income and Resources

317:35-5-49 [AMENDED]

Subchapter 7. Medical Services

Part 7. Certification, Redetermination and Notification

317:35-7-61.1 [AMENDED]

(Reference APA WF # 18-12)

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

February 15, 2019

[OAR Docket #19-151; filed 2-15-19]

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

[OAR Docket #19-152]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 15. Personal Care Services

317:35-15-4 [AMENDED]

317:35-15-10 [AMENDED]

Subchapter 17. Advantage Waiver Services

317:35-17-14 [AMENDED]

317:35-17-22 [AMENDED]

Subchapter 19. Nursing Facility Services

317:35-19-2 [AMENDED]

(Reference APA WF # 18-21B)

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

February 15, 2019

[OAR Docket #19-152; filed 2-15-19]

Submissions to Governor and Legislature

TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #19-175]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Petition Procedures

550:1-5-5 [AMENDED]

Subchapter 7. Collections and Disbursements

550:1-7-4 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 25, 2019

[OAR Docket #19-175; filed 2-25-19]

TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM CHAPTER 15. OKLAHOMA POLICE DEFERRED OPTION PLAN

[OAR Docket #19-176]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

550:15-1-2 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 25, 2019

[OAR Docket #19-176; filed 2-25-19]

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

[OAR Docket #19-163]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Licensure of Speech-Language Pathologists
and Audiologists

690:10-3-6 [AMENDED]

Subchapter 5. Licensure of Speech-Language Pathology
Clinical Fellows Completing Post-Graduate Clinical
Fellowship

690:10-5-4 [AMENDED]

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

690:10-7-3 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 12, 2019

[OAR Docket #19-163; filed 2-19-19]

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 5. FEES

[OAR Docket #19-168]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

785:5-1-9. Dam safety and inspection fees [AMENDED]

785:5-1-11. Well driller and pump installer licensing fees
[AMENDED]

785:5-1-14. Stream Water and Groundwater petition fees
[AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 22, 2019

[OAR Docket #19-168; filed 2-25-19]

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 30. TAKING AND USE OF GROUNDWATER

[OAR Docket #19-169]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

785:30-1-2. Definitions [AMENDED]

Subchapter 3. Permit Application Requirements and
Processing

785:30-3-1. General application requirements
[AMENDED]

785:30-3-5.1. Prohibition to issuance or amendment of
permit and waiver [REVOKED]

785:30-3-6. Well spacing [AMENDED]

Subchapter 7. Amendments to Groundwater Rights

785:30-7-4. Adding or replacing a well for the purpose of
exercising prior rights or existing permits [AMENDED]

Appendix A. Application for a Permit to Use Groundwater
[REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 22, 2019

[OAR Docket #19-169; filed 2-25-19]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 35. WELL DRILLER AND PUMP INSTALLER LICENSING**

[OAR Docket #19-170]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions
- 785:35-1-2. Definitions [AMENDED]
- 785:35-1-5. Indemnity Fund [AMENDED]
- 785:35-1-6. Well Drillers and Pump Installers Advisory Council [AMENDED]
- Subchapter 3. Licensing and Certifications
- 785:35-3-1. Licensing procedures [AMENDED]
- 785:35-3-2. Expiration and renewal of licenses and certifications [AMENDED]
- Subchapter 7. Minimum Standards for Construction of Wells
- 785:35-7-1. Minimum standards for construction of groundwater wells, fresh water observation wells, and water well test holes [AMENDED]
- 785:35-7-1.1. Minimum standards for construction of heat exchange wells [AMENDED]
- 785:35-7-3. ~~Variances to minimum standards for construction of wells~~ Minimum standards for construction of marginal water wells [AMENDED]
- 785:35-7-4. Variances to minimum standards for construction of wells [NEW]
- Subchapter 11. Plugging and Capping Requirements for Wells and Test Holes
- 785:35-11-1. Plugging and capping requirements for groundwater wells, fresh water observation wells, heat exchange wells and water well test holes [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 22, 2019

[OAR Docket #19-170; filed 2-25-19]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 45. OKLAHOMA'S WATER QUALITY STANDARDS**

[OAR Docket #19-171]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions
- 785:45-1-2. Definitions [AMENDED]
- Subchapter 5. Surface Water Quality Standards
- Part 1. General Provisions
- 785:45-5-4. Applicability of narrative and numerical criteria [AMENDED]
- 785:45-5-5. Water Quality Standards variance [NEW]
- 785:45-5-6. Compliance schedules [NEW]
- 785:45-5-7. Site-specific criteria [NEW]
- Appendix H. Beneficial Use Designations for Certain Limited Areas of Groundwater [REVOKED]
- Appendix H. Beneficial Use Designations for Certain Limited Areas of Groundwater [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 22, 2019

[OAR Docket #19-171; filed 2-25-19]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 46. IMPLEMENTATION OF OKLAHOMA'S WATER QUALITY STANDARDS**

[OAR Docket #19-172]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 15. Use Support Assessment Protocols
- 785:46-15-3. Data requirements [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 22, 2019

[OAR Docket #19-172; filed 2-25-19]

Submissions to Governor and Legislature

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 50. FINANCIAL ASSISTANCE

[OAR Docket #19-173]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. ~~General Provision~~ General Provisions

785:50-1-4. Application of rules [AMENDED]

Subchapter 5. Applications for Financial Assistance

785:50-5-1. Application form and required information
[AMENDED]

Subchapter 6. Water and Sewer Program Emergency Grants
Requirements and Procedures

785:50-6-1. Approval criteria [AMENDED]

785:50-6-3. Emergency grant priority point system
[AMENDED]

Subchapter 7. Water and Sewer Program (State Loan
Program Revenue Bond) Requirements and Procedures

785:50-7-2. Approval criteria [AMENDED]

Subchapter 8. Rural Economic Action Plan (REAP) Grant
Program Requirements and Procedures

785:50-8-3. Application review and disposition
[AMENDED]

785:50-8-5. REAP grant priority point system
[AMENDED]

Subchapter 9. Clean Water State Revolving Fund
Regulations

Part 3. General Program Requirements

785:50-9-23. Clean Water SRF Project Priority System
[AMENDED]

Part 7. SRF Environmental Review Process

785:50-9-60. Requirement of environmental review
[AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 22, 2019

[OAR Docket #19-173; filed 2-25-19]

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

1:2019-1A.

AMENDED EXECUTIVE ORDER 2019-1

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the authority vested in me by the Executive Branch Reform Act of 1986, hereby create the Cabinet System. Pursuant to Section 10.3 of Title 74 of the Oklahoma Statutes, it is hereby ordered:

The Cabinet shall be comprised of the following Secretaries:

1. Secretary of Agency Accountability;
2. Secretary of Agriculture;
3. Secretary of Budget;
4. Secretary of Commerce and Workforce Development;
5. Secretary of Digital Transformation and Administration;
6. Secretary of Energy and Environment;
7. Secretary of Health and Mental Health;
8. Secretary of Human Services and Early Childhood Initiatives;
9. Secretary of Native American Affairs;
10. Secretary of Public Safety;
11. Secretary of Science and Innovation;
12. Secretary of State and Education;
13. Secretary of Tourism and Branding;
14. Secretary of Transportation; and
15. Secretary of Veterans Affairs and Military.

The **Secretary of Agency Accountability** shall be responsible for the following executive entities or their successors:

Auditor and Inspector, State
Management and Enterprise Services, Office of

The **Secretary of Agriculture** shall be responsible for the following executive entities or their successors:

Agriculture, State Board of, and Agriculture, Food and Forestry, Department of
Apiary Committee
Boll Weevil Eradication Organization
Commodity Commissions and entities (Peanut, Oilseed, Sheep and Wool, Sorghum and Wheat)
Conservation Commission, Oklahoma

Emergency Drought Commission
Horse Racing Commission, Oklahoma
Industry Advisory Committee
South Central Interstate Forest Fire Protection Compact and Advisory Committee
Southern Dairy Compact
Standards, Bureau of
Veterinary Medical Examiners, State Board of

The **Secretary of Commerce and Workforce Development** shall be responsible for the following executive entities or their successors:

Accountancy Board, Oklahoma
Alarm and Locksmith Industry Committee
Capitol-Medical Center Improvement and Zoning Commission
Commerce, Oklahoma Department of
Construction Industries Board
Development Finance Authority, Oklahoma
Employment Security Commission, Oklahoma, and State Advisory Council and Board of Review
Governor's Council for Workforce and Economic Development
Home Inspector Examiners, Committee of
Housing Finance Agency, Oklahoma
Industrial Finance Authority, Oklahoma
Insurance Commissioner and State Insurance Department
Interstate Cooperation, Oklahoma Commission on
Labor Commissioner and Department of Labor
Licensed Architects, Landscape Architects and Interior Designers of Oklahoma, Board of Governors of
Main Street Program
Manufactured Home Advisory Committee
Midwestern Oklahoma Development Authority
Motor Vehicle Commission, Oklahoma
Municipal Clerks and Treasurers Division of the Oklahoma Career and Technology Education, Advisory Committee to the
Northeast Oklahoma Public Facilities Authority
Office for Minority and Disadvantaged Business Enterprises
Oklahoma Uniform Building Code Commission
Ordinance Works Authority, Oklahoma
Private Vocational Schools, Oklahoma Board of
Professional Engineers and Land Surveyors, State Board of Registration for
Real Estate Appraiser Board
Real Estate Commission, Oklahoma

Executive Orders

Real Estate Contract Form Committee, Oklahoma
Rural Action Partnership Program
Rural Area Development Task Force
Rural Development, Center for
Used Motor Vehicle and Parts Commission, Oklahoma

The **Secretary of Digital Transformation & Administration** shall be responsible for the following executive entities or their successors:

Abstractors Board, Oklahoma
Banking Board, State, and State Banking Department
Bipartisan Legislative Apportionment Commission
Bond Oversight, Council of
Building Bonds Commission
Capital Investment Board, Oklahoma
Capitol Preservation Commission, State
Cash Management Oversight Committee
Compensation and Unclassified Positions Review Board, Oklahoma
Consumer Advocacy, Office of
Consumer Credit Commission and Department of Consumer Credit
Consumer Protection Licensing Advisory Council
Electronic and Information Technology Accessibility Advisory Council
Employee Assistance Program, State, and Advisory Council
Employee Insurance & Benefits Board, Oklahoma
Equalization, State Board of
Ethics Commission, Oklahoma
Firefighters Pension and Retirement System and Board
Incentive Approval Committee
Judicial Compensation, Board of
Judicial Complaints, Council on
Land Office, Commissioners of the
Legislative Compensation, Board on
Law Enforcement Retirement System and Board, Oklahoma
Life and Health Insurance Guaranty Association and Board of Directors, Oklahoma
Long-Range Capital Planning Commission
Lottery Commission and Board of Trustees, Oklahoma
Market Assistance Association and Board of Directors
Merit Protection Commission
Oversight Committee for State Employee Charitable Contributions
Pension Commission, Oklahoma State
Police Pension and Retirement System and Board, Oklahoma
Program Development and Credit Review Committee
Public Employees Relations Board
Public Employees Retirement System and Board, Oklahoma
Securities Commission, Oklahoma, and Department of Securities
State Credit Union Board, Oklahoma
State Governmental Technology Applications Review Board
Tax Commission, Oklahoma
Teachers' Retirement System, Board of Trustees of the, and Teachers' Retirement System

Treasurer, State

The **Secretary of Energy and Environment** shall be responsible for the following executive entities or their successors:

Alternative Fuels Technician Examiners and Board, Oklahoma
Arkansas River Basin Compact Commission, Arkansas-Oklahoma
Arkansas River Basin Compact and Commission, Kansas-Oklahoma
Canadian River Commission
Central Interstate Low-Level Radioactive Waste Compact and Commission
Climatological Survey
Corporation Commission, Oklahoma
Energy Initiative and Energy Initiative Board, Oklahoma
Energy Office, Oklahoma State
Energy Resources Board, Oklahoma
Environmental Quality Board and
Air Quality Advisory Council
Radiation Management Advisory Council
Hazardous Waste Advisory Council
Solid Waste Management Advisory Council
Water Quality Management Advisory Council
Department of Environmental Quality
Grand River Dam Authority Board of Directors and Grand River Dam Authority
Geological Survey
Hazardous Materials Emergency Response Commission
Interstate Oil Compact Commission
Liquefied Petroleum Gas (LPG) Board, Oklahoma
Mining Commission, Interstate
Mining Commission, Oklahoma, and Department of Mines
Miner Training Institute, Oklahoma
Municipal Power Authority Board, Oklahoma
Oil and Gas Compact Commission, Interstate
Red River Compact and Commission, Arkansas-Louisiana-Oklahoma-Texas
Southern States Energy Compact and Southern States Energy Board
Sustaining Oklahoma's Energy Resources, Committee
Storage Tank Advisory Council
Water for 2060 Advisory Council
Water Resources Board, Oklahoma
Well Drillers and Pump Installers Advisory Council
Wildlife Conservation Commission and Department of Wildlife Conservation

The **Secretary of Health and Mental Health** shall be responsible for the following executive entities or their successors:

Anatomical Board, State
Advancement of Wellness Advisory Council
Alcohol and Drug Counselors, Oklahoma Board of Licensed

Alcohol, Drug Abuse and Community Mental Health Planning and Coordination Boards
Alzheimer's Research Advisory Council
Anatomical Board, State
Athletic Commission, Oklahoma State
Athletic Trainers Advisory Committee
Behavioral Health Licensure, Board of
Catastrophic Health Emergency Planning Task Force, Oklahoma
Chiropractic Examiners, Board of
Community Hospitals Authority
Cosmetology and Barbering, State Board of
Dentistry, Board of
Dietetic Registration, Advisory Committee on
Food Service Advisory Council
Funeral Board, Oklahoma
Health Care Authority, Oklahoma
Health Care Information Advisory Committee
Health, State Board of, and Department of Health
Home Care and Hospice Advisory Council
Hospital Advisory Committee, Oklahoma
Hospital Advisory Council, Oklahoma
Long-Term Care Administrators, Oklahoma State Board of Examiners for
Long-Term Care Facility Advisory Board
Medical Care for Public Assistance Recipients, Advisory Committee for
Medical Licensure and Supervision, Board of
Mental Health and Substance Abuse, Board of, and Department of Mental Health and Substance Abuse
Mental Health, Interstate Compact on
Nursing, Board of, and Formulary Advisory Council
Occupational Therapy Advisory Committee, Oklahoma
Oklahoma State University Medical Authority
Optometry, Board of Examiners in
Osteopathic Examiners, State Board of
Perfusionists, State Board of Examiners of
Pharmacy, Board of
Physical Therapy Committee
Physician Manpower Training Commission
Physician's Assistant Advisory Committee
Podiatric Medical Examiners, Board of
Psychologists, State Board of Examiners of
Registered Electrologists, Advisory Committee of
Respiratory Care Advisory Committee
Sanitarian and Environmental Specialist Registration Advisory Council
Self-Directed Services Program Committee
Speech Pathology and Audiology, Board of Examiners for
Suicide Prevention Council, Oklahoma
Tobacco Settlement Endowment Trust Fund Board of Directors
Trauma and Emergency Response Advisory Council
Traumatic Spinal Cord and Traumatic Brain Injury, Advisory Council on
University Hospitals Authority

The **Secretary of Human Services and Early Childhood Initiatives** shall be responsible for the following executive entities or their successors:

Blind Vendors, Committee of
Cerebral Palsy Commission
Child Abuse Examination, Board of
Child Abuse Prevention, Office of
Child Abuse Prevention, Training, and Coordination Council
Child Death Review Board
Children and Youth, Oklahoma Commission on
Community Social Services Center Authority
Developmental Disabilities Council
Disability Concerns, Governor's Advisory Committee to the Office of
Disability Concerns, Office of
Early Childhood Intervention, Interagency Coordinating Council for
Employment of People with Disabilities, Governor's Advisory Committee on
Faith-based and Community Initiatives
Group Homes for Persons with Developmental or Physical Disabilities Advisory Board
Human Services, Department of
Infant and Children's Health Advisory Council
Interstate Compact for Juveniles
J.D. McCarty Center for Children with Developmental Disabilities
Juvenile Affairs, Board of, and Office of Juvenile Affairs
Juvenile Justice, State Advisory Group on
Licensed Social Workers, State Board of
Partnership for Children's Behavioral Health
Partnership for School Readiness Board, Oklahoma
Placement of Children, Interstate Compact on the
Post Adjudication Review Advisory Board
Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases, Interagency Coordinating Council for Coordination of Efforts for
Public Guardian, Office of
Rehabilitation Services Commission, Oklahoma Rehabilitation Services, Department of
Residents and Family State Council
Santa Claus Commission
Statewide Independent Living Council
Vulnerable Adult Intervention Task Force

The **Secretary of Native American Affairs** shall be responsible for the following executive entities or their successors:

Native American Cultural and Educational Authority
Native American Liaison, Oklahoma

The **Secretary of Public Safety** shall be responsible for the following executive entities or their successors:

Executive Orders

Access to Justice Commission, Oklahoma
Adult Offender Supervision, Oklahoma State Council for Interstate
Alcohol and Drug Influence, Board of Tests for
Alcoholic Beverage Laws Enforcement
Attorney General
Bureau of Investigation Commission, Oklahoma State, and Oklahoma State Bureau of Investigation
Bureau of Narcotics and Dangerous Drugs Control Commission, Oklahoma State, and Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
Chief Medical Examiner, Office of, and Board of Medicolegal Investigations
Corrections, Department of, and Board of Corrections
Crime Victims Compensation Board
District Attorneys Council
Domestic Violence Fatality Review Board
Driver License Compact
Driver's License Medical Advisory Committee
Emergency Management, Oklahoma Department of
Homeland Security Director, Office of
Indigent Defense System Board and Appellate Indigent Defender System
Law Enforcement Education and Training, Council on (CLEET), and CLEET Advisory Council
Motorcycle Safety and Education, Committee for
National Crime Prevention and Privacy Compact Council
Nonresident Violator Compact Board of Administrators
Pardon and Parole Board, Oklahoma
Polygraph Examiners Board
Public Safety, Department of
State Fire Marshal Commission, and State Fire Marshal, Office of
Statewide Nine-One-One Advisory Board

The **Secretary of Science and Innovation** shall be responsible for the following executive entities or their successors:

Center for the Advancement of Science and Technology, Oklahoma, and Oklahoma Health Research Committee
Experimental Program to Stimulate Competitive Research Advisory Committee
Science and Technology Council
Science and Technology Research and Development Board, Oklahoma
Space Industry Development Authority, Oklahoma

The **Secretary of State and Education** shall be responsible for the following executive entities or their successors:

Archives and Records Commission
Career and Technology Education, State Board of, and Department of Career and Technology Education
College and University Boards of Regents or Trustees
Contingency Review Board

County Government Personnel Education and Training, Commission on
Dyslexia Teacher Training Pilot Program Advisory Committee
Education Commission of the States
Educational Quality and Accountability, Office of, and Commission for Educational Quality and Accountability
Education, State Board of, Superintendent of Public Instruction and State Department of Education
Educational Television Authority (OETA), Oklahoma
Election Board, State
Judicial Nominating Commission
Library Board, State, and Department of Libraries
National Conference of Commissioners on Uniform State Laws
Professional Responsibility Tribunal
School and County Funds Management, Commission on
School of Science and Mathematics, Oklahoma Board of Trustees of, and Oklahoma School of Science and Mathematics
Secretary of State
State Regents for Higher Education, Oklahoma
Student Loan Authority
Textbook Committee, State
Virtual Charter School Board, Statewide
Workers' Compensation, Advisory Council on
Workers' Compensation Commission

The **Secretary of Tourism and Branding** shall be responsible for the following executive entities or their successors:

1921 Tulsa Race Riot Memorial of Reconciliation Design Committee
African-American Centennial Plaza Design Committee
Arts Council, Oklahoma
Geographic Information Council, State
Greenwood Area Redevelopment Authority
Historic Preservation Review Committee, Oklahoma
Historical Records Advisory Board
Historical Society, Oklahoma
Industry Advisory Committee
J.M. Davis Memorial Commission
Jazz Hall of Fame Board, Oklahoma
Quartz Mountain Arts and Conference Center and Nature Park, Board of Trustees, and Quartz Mountain Arts and Conference Center and Nature Park
Register of Natural Heritage Areas, State
Sam Noble Museum of Natural History, Oklahoma
Tourism and Recreation Commission, Oklahoma, and Department of Tourism and Recreation
Tourism Promotion Advisory Committee, Oklahoma
Tourism Signage Advisory Task Force, Oklahoma
Will Rogers Memorial Commission

The **Secretary of Transportation** shall be responsible for the following executive entities or their successors:

Aeronautics Commission
Highway Construction Materials Technician Certification Board
Port Authorities
Transportation Commission and Department of Transportation
Transportation County Advisory Board, Department of
Transportation Tribal Advisory Board, Department of
Turnpike Authority, Oklahoma
Waterways Advisory Board

The **Secretary of Veterans Affairs and Military** shall be responsible for the following executive entities or their successors:

Accrediting Agency, State
Agent Orange Outreach Committee
Strategic Military Planning Commission, Oklahoma
Veterans Affairs, Department of
Veterans Commission

It shall be the duty of each board, commission, agency or other entity of the executive branch of state government to facilitate the purposes of this Order and the Executive Branch Reform Act of 1986 and to cooperate fully with designated cabinet secretaries.

Pursuant to 44 O.S. § 26(A), the Adjutant General shall be in control of the Military Department, subordinate only to the Governor.

The State Chief Information Officer shall remain an appointee of the Governor and an employee of the Office of Management and Enterprise Services pursuant to 62 O.S. § 34.11.1. The CIO shall continue to administer the OMES Information Services Division and the statewide plan to reform, streamline, and consolidate the state of Oklahoma's information technology and telecommunications structure, operations, and purchasing procedures in order to reduce the size of government and ensure that essential public services are delivered to Oklahoma taxpayers in the most efficient, cost-effective manner possible. The information technology consolidation has brought positive attention to Oklahoma as a progressive state in the information technology arena and the legislative intent of the consolidation effort remains a priority of this administration.

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 day of February, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-162; filed 2-18-19]

1:2019-3A.

AMENDED EXECUTIVE ORDER 2013-3

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 Title 74 of the Oklahoma Statutes, hereby order a State agency personnel action freeze for classified employee positions and unclassified Information Technology ("IT") positions (hereinafter referred to as "personnel freeze"). This personnel freeze does not apply to unclassified employee positions unless specifically mentioned herein.

For purposes of this personnel freeze, I hereby delegate authority to approve or disapprove exemption requests to: 1) the statewide elected officials who direct and manage State employing entities ("agencies"); and 2) for all other State agencies, the appropriate Cabinet Secretary, as designated by the Executive Order in effect that creates the Cabinet System pursuant to 74 O.S. § 10.3. In the event the appropriate Cabinet Secretary position is vacant, the authority to approve or disapprove exemptions is delegated to the Secretary of Agency Accountability.

This hiring freeze shall be implemented by all agencies in accordance with the following guidelines:

1. No audits of classified positions or reallocation of unclassified positions shall be initiated or conducted at the request of any agency unless specifically approved by the appropriate statewide elected official or Cabinet Secretary (collectively referred to as "Cabinet Secretary"). Provided, however, an audit at the request of an employee who files a classification grievance shall be conducted during this personnel freeze in accordance with 74 O.S. § 840.43.
2. Except as specifically provided and authorized by this Order, all agencies are prohibited from hiring, reinstating, granting salary raises, awarding performance bonuses, and promoting classified employees and from accepting a transferred classified employee from another agency without first

Executive Orders

securing the express, written approval of the appropriate Cabinet Secretary.

3. With regard to classified and unclassified IT positions, all hiring, reinstatement, salary raises, performance bonuses, promotions, or acceptances of transferred employees, shall require the exclusive written approval of the Secretary of Agency Accountability.

4. For personnel actions meeting any of the criteria outlined in paragraphs 2 or 3 above, an exemption to this personnel freeze may only be granted if the Chief Administrative Officer of an agency submits a request to, and receives approval from, the appropriate Cabinet Secretary for that agency, or, for IT personnel actions, approval from, the Secretary of Agency Accountability. Requests for exemptions and approvals shall be made in the following manner:

a. A Chief Administrative Officer shall submit a written request to the appropriate Cabinet Secretary stating the special conditions requiring the submission of the request.

b. Such requests shall be submitted through the electronic exception process of the Human Capital Management Division of the Office of Management and Enterprise Services ("OMES"), hereinafter referred to as HCM, if such electronic exception process is available.

c. Upon finding that the request for an exemption to this personnel freeze is justified based on the special conditions, as identified by the agency's Chief Administrative Officer, the Cabinet Secretary shall indicate his or her approval of the exemption in writing.

d. All approved requests and Cabinet Secretary findings shall be maintained in accordance with the Records Management Act, and in HCM's exception system, if available.

5. The Director of OMES is hereby directed to develop and implement procedures necessary to carry out the provisions of this Order.

6. The Director of OMES is authorized to require Cabinet Secretaries to provide him or her with periodic accountings of approvals and disapprovals of requests for exemptions to this personnel freeze, a copy of such accountings shall also be provided to the Governor. To ensure proper monitoring, the Director of OMES is authorized to develop a protocol requiring all Cabinet Secretaries to regularly report all personnel actions related to this Order in their respective areas of responsibility.

7. The Oklahoma Military Department's personnel actions shall comply with this Order, except for those actions and contracts for which the Department receives total federal government reimbursement.

In furtherance of this personnel freeze, HCM, in consultation with agencies that have been placed under the Merit System of Personnel Administration, shall conduct a study of all classified positions, which shall be submitted to this office upon completion. Such study shall consider and address the following:

1. Identify classified job families, or levels within job families, that are better suited for unclassified service.

2. Determine the extent to which each Merit System agency is required to maintain personnel standards on a merit basis by federal law or regulations for grant-in-aid programs.

3. Define a framework for the management and maintenance of an unclassified workforce that maximizes organizational flexibility without compromising essential merit and fitness employment principals.

Copies of this Order shall be distributed to all statewide elected officials, Cabinet Secretaries, and the Director of OMES 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 26th day of February, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-177; filed 2-26-19]
