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Kevin Stitt, Governor
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Peggy Coe, Editor-in-Chief

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Notices of Rulemaking Intent

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

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

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

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

[OAR Docket #19-383]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:100-1-2 [AMENDED]

252:100-1-3 [AMENDED]

Subchapter 37. Control of Emission of Volatile Organic Compounds (VOCs)

Part 5. Control of VOCs in Coating Operations

252:100-37-27 [NEW]

Subchapter 39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas

Part 7. Specific Operations

252:100-39-47 [AMENDED]

Appendix N. Specialty Coatings VOC Content Limits [REVOKED]

Appendix N. Specialty Coatings VOC Content Limits [NEW]

SUMMARY:

The Department is proposing to amend 252:100-1-2, Statutory definitions, to correct a statutory citation and update the latest statutory publication date. The gist of this rulemaking is to correct a statutory citation. The Department is proposing to amend 252:100-1-3, Definitions, to add, clarify, and correct definitions. The gist of this rulemaking is to clarify and add definitions.

The Department is proposing to add a new section 252:100-37-27, Control of emission of VOCs from aerospace industries coatings operations, for existing or new aerospace vehicle and component coating operations at aerospace manufacturing, rework, or repair facilities. The new section would allow aerospace coating facilities throughout Oklahoma to be regulated under rules specific to the industry as is presently done in section 252:100-39-47 for Tulsa County. Currently, VOC emissions from coating operations at any type of industry are regulated under 252:100-37-25. The new section would reference certain limits set forth in the aerospace National Emissions Standards for Hazardous Air Pollutants (NESHAP) 40 CFR Part 63, Subpart GG, which are more appropriate for this particular industry than the current generic list in 252:100-37-25. Additionally, the

Department is proposing to amend 252:100-39-47 to correct minor typographical errors, incorporate the latest changes to the aerospace NESHAP, and ensure regulatory consistency with proposed section 252:100-37-27. Lastly, the Department is proposing to revoke Appendix N and replace it with a new Appendix N to correct minor typographical errors and specify its intended use for both sections 252:100-39-47 and 252:100-37-27.

The gist of this rulemaking (252:100-37-27, 252:100-39-47, and Appendix N) is to provide the aerospace industry with updated requirements that better reflect current aerospace industry coating formulations and practices, and to make those rules applicable statewide. This rulemaking would ensure the aerospace industry in Oklahoma has the opportunity to operate as necessary with standards specific to the industry and consistent with rules already in place for Tulsa County to reduce the formation of ozone.

AUTHORITY:

Environmental Quality Board; 27A O.S. Sections 2-2-101, 2-2-201, and 2-5-106.

Air Quality Advisory Council; 27A O.S. Sections 2-2-201 and 2-5-107.

Oklahoma Clean Air Act; 27A O.S. Sections 2-5-101 through -117.

COMMENT PERIOD:

Written comments may be submitted to the contact person from May 15, 2019, through June 14, 2019. Oral comments may be made at the June 19, 2019 hearing and at the September 10, 2019 Environmental Quality Board hearing.

PUBLIC HEARING:

Before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, June 19, 2019, at TulsaTech, 10800 North 140th East Avenue, Owasso, OK 74055. If the Council recommends adoption, the proposed rules will be considered by the Environmental Quality Board at its meeting scheduled for 9:30 a.m. Tuesday, September 10, 2019, in Ardmore, OK.

The Air Quality Advisory Council hearing shall also serve as the public hearing to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 CFR Section 51.102 and 27A O.S. Section 2-5-107(6)(c), and to the State Title V (Part 70) Implementation Plan under the requirements of 40 CFR Part 70 and 27A O.S. Section 2-5-112(B)(9).

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities or any other members of the public affected by these rules provide the Department, within the comment period, in dollar amounts

Notices of Rulemaking Intent

if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after May 15, 2019, on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies may also be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

The contact person for these proposals is Melanie Foster, Environmental Programs Manager, who can be reached by

phone at (405) 702-4100. Please email written comments to AQDRuleComments@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, OK 73101-1677, ATTN: Melanie Foster. The Air Quality Division fax number is (405) 702-4101.

PERSONS WITH DISABILITIES:

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405) 702-4172. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #19-383; filed 4-25-19]

Submissions to Governor and Legislature

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

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

[OAR Docket #19-359]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 7. General Administration of the County Election Board Office
- Part 5. Maintaining the Office
- 230:10-7-43. Retention of forms and materials documenting voter registration transactions [AMENDED]
- 230:10-7-48.1. County Election Board electronic mail addresses [AMENDED]
- Part 9. Finances
- 230:10-7-77. Pre-numbered receipts required [AMENDED]
- 230:10-7-78. Pre-numbered vouchers required [AMENDED]
- 230:10-7-80. Monthly report filed with County Clerk [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

April 1, 2019

[OAR Docket #19-359; filed 4-15-19]

TITLE 230. STATE ELECTION BOARD CHAPTER 15. VOTER REGISTRATION

[OAR Docket #19-360]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 5. Application for Voter Registration
- Part 17. Public Records
- 230:15-5-73. All registration records public [AMENDED]
- Part 21. Voter Registration Application by Mail
- 230:15-5-86. Deadlines for submitting mail applications [AMENDED]
- Subchapter 9. Receiving and Processing Voter Registration Applications
- Part 5. Processing Voter Registration Applications
- 230:15-9-18. Entering paper applications for voter registration in MESA [AMENDED]

- 230:15-9-25. Processing applications for restricted records status [AMENDED]
- Subchapter 11. Voter Registration List Maintenance
- Part 1. Cancellation of Voter Registration
- 230:15-11-8. Cancellation for felony conviction [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

April 1, 2019

[OAR Docket #19-360; filed 4-15-19]

TITLE 230. STATE ELECTION BOARD CHAPTER 25. BALLOT PRINTING

[OAR Docket #19-361]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 13. Placing Parties, Candidates, Propositions on Ballot
- 230:25-13-12. Judicial candidates [NEW]
- Subchapter 21. Printer Certification for Digital Ballot Printing
- 230:25-21-2. Printer certification process [AMENDED]
- 230:25-21-3. Review and testing of certification ballots [AMENDED]
- 230:25-21-4. On-site certification review [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

April 1, 2019

[OAR Docket #19-361; filed 4-15-19]

TITLE 230. STATE ELECTION BOARD CHAPTER 30. ABSENTEE VOTING

[OAR Docket #19-362]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 7. Absentee Voting Boards
- 230:30-7-6. Scheduling Absentee Voting Boards for an election [AMENDED]
- 230:30-7-9. Procedure for the nursing home Absentee Voting Board [AMENDED]

Submissions to Governor and Legislature

230:30-7-11. Procedure for in-person Absentee Voting Board to receive applications and issue ballots [AMENDED]

230:30-7-12. Processing applications for in-person absentee ballots in MESA [AMENDED]

230:30-7-13. In-person absentee voting procedure for uniformed services or overseas voter [AMENDED]

230:30-7-14.1. Closing the in-person absentee polling place [AMENDED]

230:30-7-14.2. Secretary's procedure at end of in-person absentee voting day [AMENDED]

230:30-7-15. Procedure for provisional voting during in-person absentee voting [AMENDED]

Subchapter 9. Processing Applications

230:30-9-8. Processing First Responder/Emergency Worker Emergency Absentee Applications, Issuing Ballots, and Receiving Voted Ballots [NEW]

Subchapter 11. Receiving and Processing Absentee Ballots [AMENDED]

230:30-11-1.1. Receiving hand-delivered absentee ballots from voters [AMENDED]

230:30-11-6.1. Receiving voted absentee ballots by fax from uniformed services and overseas voters [AMENDED]

Subchapter 19. Counting the Ballots

Part 1. Counting Absentee Ballots on Election Day

230:30-19-4. Procedure for counting absentee ballots on election day [AMENDED]

Subchapter 21. Recording Absentee Voting

230:30-21-1. List of absentee voter applications available [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

April 1, 2019

[OAR Docket #19-362; filed 4-15-19]

TITLE 230. STATE ELECTION BOARD CHAPTER 35. ELECTION CONDUCT

[OAR Docket #19-363]

RULEMAKING ACTION:

Submission Governor and Legislature

RULES:

Subchapter 3. County Election Board Responsibilities

Part 1. Before the Filing Period

230:35-3-3. Assembling precinct supplies [AMENDED]

Part 9. Distributing Supplies and Ballots

230:35-3-71. Voting device not issued to precinct polling place [AMENDED]

Part 13. After the Polls Close

230:35-3-84. Assembly line required for receiving returns and materials from Inspectors [AMENDED]

230:35-3-85.1. Election night recounts [AMENDED]

230:35-3-85.2. Addressing voting device printer failure, election results storage device failure and/or backup memory device failure [AMENDED]

230:35-3-87. Accumulating and verifying election results [AMENDED]

Part 17. Disposition of Materials

230:35-3-100. Disposing of Detail and Tally Reports [AMENDED]

230:35-3-101. Processing forms used on election day by Precinct Officials [AMENDED]

230:35-3-103. Disposing of supplies [AMENDED]

Part 19. Verifying and Counting Provisional Ballots

230:35-3-126. Criteria for verification of provisional ballot affidavit information [AMENDED]

230:35-3-131. Opening provisional ballot affidavit secrecy envelopes and counting provisional ballots [AMENDED]

Subchapter 5. Instructions for Precinct Election Officials

Part 7. General Guidelines

230:35-5-38. Election results reported to news media [AMENDED]

Part 11. Processing the Voter

230:35-5-55. Routine for Judge [AMENDED]

Part 15. After the Polls Close

230:35-5-75.1. Obtaining Detail and Tally Report [AMENDED]

230:35-5-81. Inspector shall not leave [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

April 1, 2019

[OAR Docket #19-363; filed 4-15-19]

TITLE 230. STATE ELECTION BOARD CHAPTER 45. CONTESTS OF ELECTION

[OAR Docket #19-364]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Recounts

Part 1. Recounts for County Office

230:45-3-12. When the recount is finished [AMENDED]

Part 9. Recounts with Electronic Voting Devices

230:45-3-51. Operation of voting device during an electronic recount [AMENDED]

230:45-3-53. Instructions for electronic recount [AMENDED]

Subchapter 5. Instructions for Counters for Manual Recount

Part 1. General Guidelines

230:45-5-1.1. Number of Counters required [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

April 1, 2019

[OAR Docket #19-364; filed 4-15-19]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 50. AUTOMATED SYSTEMS**

[OAR Docket #19-365]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 3. Voting Devices and Data Processing
- Part 11. Voting Device Testing [REVOKED]
- 230:50-3-69. Preparing test deck of ballots [REVOKED]
- 230:50-3-70. Retention of testing materials [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

April 1, 2019

[OAR Docket #19-365; filed 4-15-19]

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

[OAR Docket #19-375]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas
- Part 1. General Provisions
- 252:100-39-4. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 22, 2019

[OAR Docket #19-375; filed 4-25-19]

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

[OAR Docket #19-376]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas
- Part 3. Petroleum Refinery Operations
- 252:100-39-16. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 22, 2019

[OAR Docket #19-376; filed 4-25-19]

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

[OAR Docket #19-377]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 37. Control of Emission of Volatile Organic Compounds (VOCs)
- Part 5. Control of VOCs in Coating Operations
- 252:100-37-27. [NEW]
- Subchapter 39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas
- Part 7. Specific Operations
- 252:100-39-47. [AMENDED]
- Appendix N. Specialty Coatings VOC Content Limits [REVOKED]
- Appendix N. Specialty Coatings VOC Content Limits [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 22, 2019

[OAR Docket #19-377; filed 4-25-19]

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

[OAR Docket #19-378]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 3. Incorporation by Reference
- 252:205-3-1. [AMENDED]
- 252:205-3-2. [AMENDED]

Submissions to Governor and Legislature

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 22, 2019

[OAR Docket #19-378; filed 4-28-19]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 301. LABORATORY ACCREDITATION

[OAR Docket #19-379]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions
- 252:301-1-3. Definitions [AMENDED]
- 252:301-1-4. Terms [AMENDED]
- 252:301-1-7. General water quality laboratory [AMENDED]
- 252:301-1-9. Fees [AMENDED]
- Subchapter 3. Laboratory Accreditation Process
- Part 1. Application
- 252:301-3-3. Operational information [AMENDED]
- Part 5. Grounds to Revoke
- 252:301-3-51. Grounds to take enforcement action [AMENDED]
- Subchapter 5. General Operations
- 252:301-5-4. On-site inspections [AMENDED]
- Subchapter 7. Proficiency Testing
- 252:301-7-2. Participation required [AMENDED]
- Subchapter 9. Quality Assurance/Quality Control
- Part 3. Standard Operating Procedures And Methods Manual
- 252:301-9-37. Methodology incorporated by reference [AMENDED]
- Part 5. QA/QC Program Requirements
- 252:301-9-51. QA/QC program required [AMENDED]
- 252:301-9-54. Inorganic/classic chemistry [AMENDED]
- 252:301-9-57. Support equipment [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 22, 2019

[OAR Docket #19-379; filed 4-25-19]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 302. FIELD LABORATORY ACCREDITATION

[OAR Docket #19-380]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions
- 252:302-1-4. Definitions [AMENDED]
- 252:302-1-5. Fees [AMENDED]
- Subchapter 3. Field Laboratory Accreditation Process
- Part 1. Application
- 252:302-3-4. Operational information [AMENDED]
- Part 5. Grounds to suspend or revoke
- 252:302-3-31. Grounds to take enforcement action [AMENDED]
- Subchapter 5. General Operations
- 252:302-5-2. Laboratory technician [AMENDED]
- 252:302-5-6. On-site inspections [AMENDED]
- Subchapter 7. Proficiency Testing
- 252:302-7-1. Participation required [AMENDED]
- Subchapter 9. Quality Assurance/Quality Control
- Part 3. Standard Operating Procedures and Methods Manual
- 252:302-9-25. Methodology incorporated by reference [AMENDED]
- Part 5. QA/QC Program Requirements
- 252:302-9-32. QA/QC documentation [AMENDED]
- 252:302-9-33. Sample storage for pickup [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 22, 2019

[OAR Docket #19-380; filed 4-25-19]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 307. TNI LABORATORY ACCREDITATION

[OAR Docket #19-381]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. Introduction
- 252:307-1-3. Definitions [AMENDED]
- 252:307-1-4. Incorporation by reference [AMENDED]
- 252:307-1-5. Accreditation classes and fields of accreditation [AMENDED]
- 252:307-1-7. Annual fees [AMENDED]
- Subchapter 7. Onsite Assessment Requirements

252:307-7-1. Reasons for an onsite assessment
[AMENDED]
Subchapter 9. Management and Technical Requirements
Part 1. Proficiency Testing
252:307-9-8. Failure to Perform [AMENDED]

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

February 22, 2019

[OAR Docket #19-381; filed 4-25-19]

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

[OAR Docket #19-382]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
252:653-1-5. Definitions [AMENDED]
252:653-1-12. Fees [NEW]
Subchapter 5. ~~ASR~~Aquifer Storage and Recovery
Treatment Plant Construction
252:653-5-1.1. Notification [NEW]
Subchapter 7. ~~ASR~~Aquifer Storage and Recovery Water
Delivery Construction
252:653-7-5.1. Notification [NEW]
252:653-7-7. Aquifer testing [AMENDED]

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

February 22, 2019

[OAR Docket #19-382; filed 4-25-19]

Withdrawn Rules

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

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

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

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 25. BUSINESS ENTERPRISE PROGRAM

[OAR Docket #19-357]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

WITHDRAWN RULES:

Subchapter 2. General Provisions

612:25-2-5. Definitions [AMENDED]

Subchapter 4. The State Licensing Agency

Part 3. Business Enterprise Program Training

612:25-4-14. Training for new or potential licensed managers [AMENDED]

Part 5. State Licensing Agency Responsibility for Business Enterprise Operations

612:25-4-25. Management of BEP equipment and fixtures [AMENDED]

612:25-4-27. Initial inventory and supplies [AMENDED]

Part 9. Assignment of Licensed Managers

612:25-4-53. Assignment, and transfer [AMENDED]

612:25-4-55. Qualifications [AMENDED]

612:25-4-57. Applicant Selection Committee [AMENDED]

612:25-4-58. Annual and Performance Evaluations [AMENDED]

612:25-4-59. Interview, Selection Process and Scoring [AMENDED]

612:25-4-61. Satellite business enterprise locations [AMENDED]

Subchapter 6. Licensed Managers and Business Enterprise Operation

Part 1. Licensed Managers

612:25-6-1. Licensing requirements for managing a business enterprise [AMENDED]

612:25-6-2. Standards for licensed managers [AMENDED]

612:25-6-2.1. Probation [AMENDED]

612:25-6-3. Grounds for suspension or termination of a license [AMENDED]

Part 3. Business Enterprises

612:25-6-15. Setting aside of funds [AMENDED]

612:25-6-16. Criteria to establish a business enterprise [AMENDED]

612:25-6-18. Establishing ~~new~~—licensed managers in business enterprises [AMENDED]

612:25-6-20. Closing a business enterprise [AMENDED]

612:25-6-22. Monthly reports [AMENDED]

Part 5. The Elected Committee of Licensed Managers

612:25-6-33. Organization and operation of the Elected Committee of Licensed Managers [AMENDED]

DATES:

Adoption:

March 11, 2019

Submission of adopted rules to Governor and Legislature:

March 11, 2019

Withdrawn:

April 9, 2019

ADDITIONAL INFORMATION:

Did not receive RSA approval. Rules will be resubmitted for 2020 rule cycle.

[OAR Docket #19-357; filed 4-10-19]

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

1:2019-9.

EXECUTIVE ORDER 2019-9

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. to 5:00 p.m. Friday, April 19, 2019, in memory of those killed and injured in the bombing of the Alfred P. Murrah Federal Building on April 19, 1995.

Despite the unspeakable tragedy of April 19, 1995, the people of Oklahoma banded together in a community-wide display of noble humanity, known nationwide as *The Oklahoma Standard*. We shall never forget the one hundred sixty-eight individuals who lost their lives, including nineteen children, or the more than eight hundred and fifty others who were injured.

This Executive Order shall be forwarded to the Division of Capital Assets Management, which shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 16th day of April, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-366; filed 4-16-19]

1:2019-10.

EXECUTIVE ORDER 2019-10

I, J. Kevin Stitt, Governor of the State of Oklahoma, by the authority vested in the Office of the Governor by Sections 1 and 2 of Article VI of the Oklahoma Constitution and Section

840-2.20A of Title 74 of the Oklahoma Statutes, do hereby appoint the Commissioner of the Oklahoma Department of Public Safety to serve as my designee for authorizing agencies or parts of agencies to maintain minimum services when hazardous weather becomes a safety threat, causes undue delays or prohibits employees from traveling to and from work.

Those employees authorized to be absent from work due to these conditions shall be governed by the appropriate administrative rules of the Office of Management and Enterprise Services concerning options available to account for lost time.

Copies of this Executive Order shall be distributed to the Commissioner of the Oklahoma Department of Public Safety and to the Secretary for Agency Accountability, who shall cause the provisions of this Executive Order to be implemented.

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 16th day of April, 2019

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-367; filed 4-16-19]

1:2019-11.

EXECUTIVE ORDER 2019-11

I, J. Kevin Stitt, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct and order as follows:

1. No agency may adopt a permanent administrative rule pursuant to Article I of the Administrative Procedures Act, 75 O.S. §§ 250-308.3, unless such adoption complies with the provisions of this Executive Order.
2. Every agency shall, simultaneously with filing a Notice of Rulemaking Intent with the Office of Administrative

Executive Orders

Rules, provide one (1) electronic copy of the complete text of all Proposed Permanent Rules and a copy of the Notice of Rulemaking Intent to the Governor and to the appropriate Cabinet Secretary ("Cabinet Secretary").

3. No agency may adopt any Proposed Permanent Rule if, within forty-five (45) days of providing the above-referenced copies to the Governor and the Cabinet Secretary, such agency receives an express written disapproval from the Governor or the Cabinet Secretary.

4. If the Governor or the Cabinet Secretary disapproves a Proposed Permanent Rule, the affected agency shall be notified in writing of the reasons for disapproval.

5. If, after forty-five (45) days of providing the above-referenced copies to the Governor and the Cabinet Secretary, the agency has not received an express written disapproval, the agency may adopt the Proposed Permanent Rule.

6. Within ten (10) days after adoption, the agency shall submit two (2) copies of the Adopted Rule to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, pursuant to 75 O.S. § 303.1(A) of the Administrative Procedures Act.

7. Emergency rules shall not be affected by the provisions of this Executive Order.

The Executive Order shall be distributed to all members of the Governor's Executive Cabinet and the chief executives of all state agencies, 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, Oklahoma, this 16th day of April, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-368; filed 4-16-19]

1:2019-12.

EXECUTIVE ORDER 2019-12

Planes and other aircraft that are owned, leased, chartered, or rented by the State or its agencies (hereinafter, "aircraft") can be an important tool of government. Such vehicles allow for the quick transportation of public officers between far-flung regions of Oklahoma when time is of the essence; permit officials to aerially assess storm, wildfire, or flood damage and better coordinate an effective response to these types of disasters; critically assist search and rescue operations; and, of course, aid in law enforcement's drug interdiction efforts

and in the location and capture of criminals, more generally. However, the inherently high cost of acquiring, maintaining, and operating aircraft means that the State of Oklahoma has a responsibility to oversee their acquisition and use with an eye towards coordinating utilization and eliminating inefficiencies.

As a result, therefore, I, J. Kevin Stitt, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct and order as follows:

1. All air assets of State law enforcement agencies, including the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety (DPS), and the Oklahoma State Bureau of Investigation, shall continue to be custody and control of the Commissioner of DPS (hereinafter, "Commissioner").

2. The administrative head of every "state agency," as that term is defined in 61 O.S. § 327(A),¹ shall provide advance written notice to the Director of the Office of Management and Enterprise Services (OMES) every time the agency intends to purchase, lease, charter, or rent aircraft. This notice must include the cost of, source of funding for, and projected duration of aircraft use. Any aircraft that is purchased or otherwise permanently acquired by the State or an agency is subject to the reporting requirements of 74 O.S. § 110.1.

3. The Director of OMES, in conjunction with the Commissioner, shall develop a comprehensive management plan for aircraft, which shall be consistent with Oklahoma law-including, but not limited to, 63 O.S. § 2-109 and 74 O.S. §§ 85.12b, 150.16, 500.6, 500.6A, and 500.18-and shall include guidelines for:

- The consolidation of storage and maintenance operations of aircraft owned by the State or any of its agencies;
- The shared use of aircraft owned by the State or any of its agencies that prioritizes availability for law enforcement and other public safety initiatives;
- The sale and disposal of aircraft that are not adequately being used or that could be more economically replaced by temporary use alternatives like rentals or charters; and
- Evaluating the cost-effectiveness of and securing approval for specific temporary use alternatives like rentals or charters.

4. The Director of OMES and the Commissioner shall submit the finalized comprehensive management plan to me for review and approval within one hundred and twenty (120) days of issuance of this Order. After approval has been secured, the comprehensive management plan shall be distributed to every Cabinet Secretary, who shall further distribute it to the administrative head of all State agencies within his or her respective Cabinet area. The comprehensive management plan shall also be posted electronically on the websites of OMES, DPS, and the Office of the Governor.

5. OMES may take all necessary steps to convert the approved comprehensive management plan into permanent

administrative rules in accordance with the Oklahoma Administrative Procedures Act (75 O.S. §§ 250-308.3).

6. Nothing in this Order shall effect or apply to law enforcement use or ownership of unmanned aircraft systems.

This Executive Order shall be forwarded to the Director of OMES and the Commissioner, who shall cause the provisions of this Order to be implemented. Copies of this Executive Order shall be supplied to each Cabinet Secretary.

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 16th day of April, 2019.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

J. KEVIN STITT

ATTEST:

Michael Rogers,
Secretary of State

¹This statute defines "state agency" as "any department, board, commission, institution, agency or entity of state government."

[OAR Docket #19-369; filed 4-16-19]

1:2019-13.

EXECUTIVE ORDER 2019-13

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, in conjunction with the directives contained in Executive Order 2019-03:

1. Effective immediately, a moratorium be placed on non-essential out-of-state travel for all employees and officers of agencies that is paid for, in whole or in part, by the State of Oklahoma. This moratorium shall apply to all travel expenses not already incurred as of the date of this Order. Essential travel is expressly limited to travel that is: necessary to maintain professional accreditation that is otherwise unavailable within Oklahoma; critical to the performance of core agency functions; or required by the federal government or necessary to secure or maintain federal funding.

2. Effective immediately, advance written notification must be given for any proposed: agency, State, and public employee or officer membership(s) in any private or public

organization, if said membership(s) collectively total over \$500; non-essential out-of-state travel for agency employees and officers that is wholly paid for by an entity other than the State; and non-emergency purchase(s)¹ that exceed \$25,000.00 (collectively, "proposed expense").

a. Notification shall contain: 1) a brief description of the proposed expense, including its cost, the reason for its necessity, and the costs (if any) that could attach to the State if the request is denied; and 2) any deadlines for receiving approval.

b. Notification shall be submitted to the agency's Cabinet Secretary by the agency's Chief Administrative Officer.

c. If the Cabinet Secretary denies a proposed expense or fails to provide the agency with an approval by the requested deadline, the agency may submit the notification as established in subsection (a), above, to the Governor designee at the Office of the Governor for consideration.

d. Written approval as provided in subsections (b) or (c), above, must be obtained prior to incurring any legal obligation to pay a proposed expense.

3. Recurring Expenses

Copies of this Executive Order shall be distributed to all Cabinet Secretaries and to the Chief Administrative Officers of all State agencies for immediate implementation.

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 16th day of April, 2019.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:

Michael Rogers
Secretary of State

¹Emergency purchases are only those purchases that: 1) are unanticipated, with less than fourteen (14) calendar days' advance notice of a need for acquisition; 2) are necessary for the agency to fulfill its primary responsibilities as established by statute; and 3) without such purchase, would incur a definite, articulable, and significant detriment to the public interest. Notification of any emergency purchase must be made in writing to the agency's Cabinet Secretary within five (5) business days of the expenditure. Such notification shall include the specific reason or reasons the purchase qualified as an emergency.

[OAR Docket #19-370; filed 4-16-19]

Executive Orders

1:2019-13A.

AMENDED EXECUTIVE ORDER 2019-13

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, in conjunction with the directives contained in Executive Order 2019-03:

1. Effective immediately, a moratorium be placed on non-essential out-of-state travel for all employees and officers of agencies that is paid for, in whole or in part, by the State of Oklahoma. This moratorium shall apply to all travel expenses not already incurred as of the date of this Order. Essential travel is expressly limited to travel that is: necessary to maintain professional accreditation that is otherwise unavailable within Oklahoma; critical to the performance of core agency functions; or required by the federal government or necessary to secure or maintain federal funding.
2. Effective immediately, advance written notification must be given for any proposed: agency, State, and public employee or officer membership(s) in any private or public organization, if said membership(s) collectively total over \$500; non-essential out-of-state travel for agency employees and officers that is wholly paid for by an entity other than the State; and non-emergency purchase(s)¹ that exceed \$25,000.00 (collectively, "proposed expense").

- a. Notification shall contain: 1) a brief description of the proposed expense, including its cost, the reason for its necessity, and the costs (if any) that could attach to the State if the request is denied; and 2) any deadlines for receiving approval.
- b. Notification shall be submitted to the agency's Cabinet Secretary by the agency's Chief Administrative Officer.
- c. If the Cabinet Secretary denies a proposed expense or fails to provide the agency with an approval by the requested deadline, the agency may submit the notification as established in subsection (a), above, to the Governor designee at the Office of the Governor for consideration.
- d. Written approval as provided in subsections (b) or (c), above, must be obtained prior to incurring any legal obligation to pay a proposed expense.

Copies of this Executive Order shall be distributed to all Cabinet Secretaries and to the Chief Administrative Officers of all State agencies for immediate implementation.

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 17th day of April, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

¹Emergency purchases are only those purchases that: 1) are unanticipated, with less than fourteen (14) calendar days' advance notice of a need for acquisition; 2) are necessary for the agency to fulfill its primary responsibilities as established by statute; and 3) without such purchase, would incur a definite, articulable, and significant detriment to the public interest. Notification of any emergency purchase must be made in writing to the agency's Cabinet Secretary within five (5) business days of the expenditure. Such notification shall include the specific reason or reasons the purchase qualified as an emergency.

[OAR Docket #19-373; filed 4-17-19]

1:2019-14.

EXECUTIVE ORDER 2019-14

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 direct all "state agencies," as defined by 61 O.S. § 327(A),¹ to, by December 31 annually, review their inventories of State-owned real property assets and dispose of any underutilized property to generate revenue for State government operations, reduce expenditures, and return real property to local tax rolls.

The Office of Management and Enterprise Services is hereby directed to assist State agencies with the disposal of underutilized real property assets in accordance with Section 327 of Title 61 of the Oklahoma Statutes.

This Executive Order shall be forwarded to all members of the Governor's Cabinet who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 16th day of April, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

¹This statute defines "state agency" as "any department, board, commission, institution, agency or entity of state government."

[OAR Docket #19-371; filed 4-16-19]

1:2019-15.

EXECUTIVE ORDER 2019-15

I, J. Kevin Stitt, Governor of the State of Oklahoma, by the authority vested in the Office of the Governor by the Constitution and Statutes of the State of Oklahoma, due to the occasional necessity to temporarily close state offices due to unsafe working conditions such as the presence of toxic fumes, life threatening damage to building structures, emergency operations, which would be disrupted by the presence of the usual work force, or any other condition that poses imminent peril to the safety of the work force, do hereby order:

1. The Director of the Department of Capital Assets Management ("DCAM"), or its successor agency, is appointed as my designee for issuing declarations for closing of state offices or buildings which are subject to the jurisdiction of the Department of Capital Assets Management.
2. The Director is hereby authorized to take whatever action deemed necessary when hazardous conditions exist within state offices or buildings.
3. In those buildings housing state offices which are not subject to the jurisdiction to DCAM, Appointing Authorities or their designee shall make the declaration of emergency required to close the office to state employees due to conditions posing imminent peril to the work force.
4. Employees affected by such office closings shall be placed on Administrative Leave while the workplace is closed.
5. Any agency located in a building subject to the jurisdiction of DCAM shall not close an office in that building without authority from the Director or a designee of the Director.
6. All office or building closings shall be reported to the Office of the Governor the same day that the office or building closed.

Copies of this Executive Order shall be distributed to the Director of DCAM who shall cause the provisions of this Executive Order to be implemented.

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 16th day of April, 2019

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

[OAR Docket #19-372; filed 4-16-19]

1:2019-16.

EXECUTIVE ORDER 2019-16

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution do hereby order:

Effective immediately, Executive Order 2017-38 is hereby withdrawn.

This Executive Order shall be distributed to all members of the Governor's Cabinet. 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 24th day of April, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. KEVIN STITT

ATTEST:
MICHAEL ROGERS
Secretary of State

[OAR Docket #19-374; filed 4-24-19]

1:2019-17.

EXECUTIVE ORDER 2019-17

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 licensing boards or commissions on which a controlling number of members are market participants in the occupation the board or commission regulates ("Qualifying Boards") to

Executive Orders

immediately adopt and implement the procedures described herein.

Background

On July 6, 2015, former Attorney General Scott Pruitt issued a letter to then-Governor Mary Fallin recommending reform of certain practices of Qualifying Boards in light of the opinion of the United States Supreme Court in *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 135 S.Ct. 1101 (2015) ("*N.C. Dental*"). The letter stated that under *N.C. Dental*, Qualifying Boards are unable to claim state-action immunity in defense of federal anti-trust claims unless the challenged action by the board is (i) enforcing a clearly articulated and affirmatively expressed state policy, and (ii) actively supervised by the state. Accordingly, the letter advised Governor Fallin to implement procedures to ensure that substantive non-rulemaking decisions of Qualifying Boards are subject to active supervision by a politically accountable state actor with the power to review, veto, and modify such decisions. On July 17, 2015, Governor Fallin issued Executive Order 2015-33, which required Qualifying Boards to submit all proposed licensure or prohibition actions to the Office of the Attorney General "for review and written analysis of possible violation of law."

Since the issuance of Executive Order 2015-33, the Federal Trade Commission has issued guidance for complying with the directive set forth in the *N.C. Dental* decision and courts have further interpreted the *N.C. Dental* ruling itself. Based on this new information and the experience drawn from the Attorney General's review of Qualifying Board action under the previous administration, Executive Order 2015-33 is hereby withdrawn and replaced by this Order.

Attorney General Review of Qualifying Board Actions

All Qualifying Boards - as defined herein - proposing to take non-rulemaking action that has anticompetitive effects shall submit such proposed action to the Office of the Attorney General for review and confirmation that the action is enforcing a clearly articulated and affirmatively expressed state policy. Proposed actions that must be submitted for review include, but are not limited to, (i) actions affecting a class or category of individuals, (ii) actions contested by the respondent, (iii) actions based on alleged conduct not admitted by the respondent, (iv) revocation or suspension of a license, (v) actions stemming from a complaint filed by a competitor of the respondent, and (vi) actions that are purely discretionary by the Board, collectively referred to as "proposed qualifying actions." Qualifying Boards shall comply with the following procedures for all such proposed qualifying actions:

1. All proposed qualifying actions with potential anti-competitive effects shall be submitted to the Office of the Attorney General for a written determination of whether the proposed qualifying action accords with state policy;¹

2. Upon receipt of the written determination from the Office of the Attorney General, the Qualifying Board shall abide by the Attorney General's recommendation, if any; and

3. Failure to follow the recommendation, if any, of the Office of the Attorney General shall constitute misconduct and shall subject such board member(s) to removal for cause by the appointing authority.

Notwithstanding the aforementioned procedures, Qualifying Boards need not submit for review proposed actions that do not carry anti-trust implications. Such actions include, but are not limited to, (i) actions to which the respondent consents or agrees, (ii) actions resulting from a criminal conviction in a court of competent jurisdiction, (iii) actions in which the Board has performed the ministerial, non-discretionary task of implementing a mandatory statute, (iv) actions that impose only a fine or a requirement for additional education, and (v) actions that do not affect the status of the license or otherwise prevent the licensee from continuing to participate in the occupation. Qualifying Boards may contact the Attorney General to seek a determination whether a specific action is subject to the requirements of this Order.

Copies of this Executive Order shall be distributed to all Cabinet Secretaries and to the Chief Administrative Officers of all Qualifying Boards 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 30th day of April, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:
Michael Rogers
Secretary of State

¹ A copy of any written determination provided by the Office of the Attorney General shall be provided to the Office of the Governor.

[OAR Docket #19-395; filed 4-30-19]

1:2019-18.

EXECUTIVE ORDER 2019-18

I, J. Kevin Stitt, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. to 5:00 p.m. on Thursday, May 2, 2019, to honor former state lawmaker Charlie Joyner, who died on Sunday, April 28, 2019.

Mr. Joyner represented House District 95 and worked tirelessly on issues related to transportation. Before serving in the Oklahoma House of Representatives, Mr. Joyner was a member of the Midwest City Fire Department for 22 years, a representative for Ward 4 in Midwest City and President of the Oklahoma Fire Chief's Association. Mr. Joyner exemplified a life of dedicated public service. He is survived by his loving wife of 42 years, Gwen, and their four children and seven grandchildren.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, on this 1st day of May, 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:

Michael Rogers
Secretary of State

[OAR Docket #19-396; filed 5-01-19]

1:2019-19.

EXECUTIVE ORDER 2019-19

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare the following:

1. Severe storms, tornadoes, straight-line winds and flooding beginning April 30, 2019, and continuing have caused damage to public and private properties within the State of Oklahoma; and said damages have caused an undue hardship on the citizens of this State.
2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.
3. There is hereby declared a disaster emergency caused by the severe storms, tornadoes, straight-line winds, and flooding in the State of Oklahoma that threatens the lives and

property of the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

Adair, Atoka, Bryan, Canadian, Carter, Cherokee, Choctaw, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Delaware, Garvin, Grady, Haskell, Hughes, Jefferson, Johnston, Latimer, Le Flore, Lincoln, Logan, Love, Marshall, Mayes, McClain, McCurtain, McIntosh, Murray, Muskogee, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Rogers, Seminole, Sequoyah, Stephens, Tillman, Tulsa, Wagoner, and Washington.

4. The State Emergency Operations Plan was activated on April 30, 2019, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

5. State agencies, in responding to this disaster emergency, may make necessary emergency acquisitions to fulfill the purposes of this proclamation without regard to limitations or bidding requirements on such acquisitions.

This Executive Order shall terminate at the end of thirty (30) days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 1st day of May 2019.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:

Michael Rogers
SECRETARY OF STATE

[OAR Docket #19-397; filed 5-01-19]

