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# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



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

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# Table of Contents

<b>Agency/Action/Subject Index</b> .....	iii
<b>Rules Affected Index</b> .....	iv
<b>Agency Index (Title numbers assigned)</b> .....	v
<b>Notices of Rulemaking Intent</b>	
Aeronautics Commission, Oklahoma (Title 25) .....	1
Educational Quality and Accountability, Office of (Title 218) .....	1
<b>Emergency Adoptions</b>	
Health, Oklahoma State Department of (Title 310) .....	3
<b>Executive Orders (Title 1)</b> .....	7



# Agency/Action/Subject Index

## **AERONAUTICS Commission, Oklahoma (Title 25)**

### *Notices of Rulemaking Intent*

Wind Energy Regulations (Chapter 40) ..... 1

## **EDUCATIONAL Quality and Accountability, Office of (Title 218)**

### *Notices of Rulemaking Intent*

Educational Quality (Chapter 10) ..... 1

## **GOVERNOR**

### *Executive Orders*

Creating the Oklahoma Census 2020 Complete Count Committee (19-32) ..... 7

## **GOVERNOR – continued**

### *Executive Orders – continued*

Temporarily suspending certain regulatory requirements as they apply to vehicles used for storm relief in Oklahoma (19-33) ..... 8

Ordering flags at half-staff to honor Judge Robert L. Hert (19-34) ..... 8

Ordering flags at half-staff to honor former state lawmaker Gilmer N. Capps (19-35) ..... 9

## **HEALTH, Oklahoma State Department of (Title 310)**

### *Emergency Adoptions*

Health Care Information (Chapter 9) ..... 3

---

# Rules Affected Index

---

*[(E) = Emergency action]*

<b>Rule</b>	<b>Register Page</b>	<b>Rule</b>	<b>Register Page</b>
310:9-1-2..... [AMENDED] (E).....	3	310:9-3-3..... [AMENDED] (E).....	5
310:9-3-1..... [AMENDED] (E).....	4	310:9-5-2.1..... [AMENDED] (E).....	5
310:9-3-2..... [AMENDED] (E).....	4	310:9-5-3..... [REVOKED] (E).....	6

# Agency/Title Index

[Assigned as of 9-16-19]

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

## Agency/Title Index – *continued*

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

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



# 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 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 40. WIND ENERGY REGULATIONS**

*[OAR Docket #19-728]*

### **RULEMAKING ACTION:**

Notice of proposed EMERGENCY rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions [NEW]

25:40-1-1 [NEW]

25:40-1-2 [NEW]

Subchapter 3. Submittal Requirements for Federal Aviation Administration and Department of Defense Documentation [NEW]

25:40-3-1 [NEW]

25:40-3-2 [NEW]

Subchapter 5. Aeronautics Commission Actions to the Oklahoma Strategic Military Planning Commission [NEW]

25:40-5-1 [NEW]

### **SUMMARY:**

The emergency rule will set the requirements and procedures to be followed as a result of House Bill (HB) 2118. This legislation provided requirements for wind energy companies to submit documentation to the Aeronautics Commission prior to the construction of wind turbines and other structures associated with wind energy facilities. The substance of these rules will detail the submittal timelines, methods, and documentation for wind energy companies to comply with HB2118 as well as further action required by the Aeronautics Commission to other state agencies

### **AUTHORITY:**

17 O.S. Section 160.20 and 160.21; Oklahoma Aeronautics Commission

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so from September 26, 2019, through October 7, 2019, at the following address: Oklahoma Aeronautics Commission, 110 N Robinson Ave, Suite 200, Oklahoma City, OK 73102, or [sshelton@oac.ok.gov](mailto:sshelton@oac.ok.gov).

### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Tuesday, October 8, 2019, at the Aeronautics Commission, 110 N Robinson Ave, Suite 200, Oklahoma City, OK 73102. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

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

The OAC requests that business entities, if the proposed rules affect such entities, to provide to the Commission in writing, a description of the probable quantitative (costs) and qualitative impact of the proposed rules, economic or otherwise, using quantifiable data to the extent possible, taking into account both short-term and long-term consequences.

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

Copies of proposed rules may be obtained from the Oklahoma Aeronautics Commission, 110 N Robinson Ave, Suite 200, Oklahoma City, OK 73102 after September 26, 2019. The proposed rules will also be available on the OAC website at [oac.ok.gov](http://oac.ok.gov).

### **RULE IMPACT STATEMENT:**

Pursuant to 17 O.S. Section 160.20 and 160.21, a rule impact statement will be prepared and may be obtained from the Aeronautics Commission at the above address beginning October 1, 2019.

### **CONTACT PERSON:**

Sandra Shelton, Public Information & Government Affairs Liaison (405) 604-6915, [sshelton@oac.ok.gov](mailto:sshelton@oac.ok.gov)

*[OAR Docket #19-728; filed 8-23-19]*

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

*[OAR Docket #19-726]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

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

Subchapter 7. Educator Assessment  
218:10-7-1 [AMENDED]

### **SUMMARY:**

The proposed Educator Preparation Program Accreditation amendments reflect changes in state standards and policies for program accreditation. The proposed Educator Assessment amendments reflect additional options for assessment of the general knowledge of teacher candidates.

### **AUTHORITY:**

Office of Educational Quality and Accountability; 70 O.S. §6-180 et seq.

## Notices of Rulemaking Intent

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### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on October 16, 2019 at the following address: Office for Educational Quality and Accountability, 840 Research Parkway, Suite 455, Oklahoma City, OK 73104.

### **PUBLIC HEARING:**

A public hearing will be held from 9:00 a.m. to 10:00 a.m. on Wednesday, October 16, 2019 in the 4<sup>th</sup> floor Board Room, 840 Research Parkway, Oklahoma City, 73104.

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

Business entities affected by these proposed rules are requested to provide the agency within the comment period, with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to

compliance with the proposed rules. Business entities may submit this information in writing to Daniel Craig, at the above address, before the close of the comment period.

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

Copies of the proposed rule may be obtained from the Office of Educational Quality and Accountability, 840 Research Parkway, Suite 455, Oklahoma City, OK 73104.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303 (D), a rule impact statement will be prepared and may be obtained from the Office of Educational Quality and Accountability at the above address beginning on September 16, 2019.

### **CONTACT PERSON:**

Daniel Craig, Executive Director, 405-522-5399

*[OAR Docket #19-726; filed 8-19-19]*

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# Emergency Adoptions

"If an agency finds that a rule is necessary as an emergency measure, the rule may be promulgated" if the Governor approves the rules after determining "that the rule is necessary as an emergency measure to do any of the following:

- a. protect the public health, safety or welfare,
- b. comply with deadlines in amendments to an agency's governing law or federal programs,
- c. avoid violation of federal law or regulation or other state law,
- d. avoid imminent reduction to the agency's budget, or
- e. avoid serious prejudice to the public interest." [75 O.S., Section 253(A)]

An emergency rule is considered promulgated immediately upon approval by the Governor, and effective immediately upon the Governor's approval or a later date specified by the agency in the emergency rule document. An emergency rule expires on September 15 following the next regular legislative session after its promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which cites to the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

*For additional information on the emergency rulemaking process, see 75 O.S., Section 253.*

## TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 9. HEALTH CARE INFORMATION

[OAR Docket #19-725]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

- Subchapter 1. General Provisions
- 310:9-1-2. Definitions [AMENDED]
- Subchapter 3. Required Information
- 310:9-3-1. Required information to be collected from information providers [AMENDED]
- 310:9-3-2. Data files [AMENDED]
- 310:9-3-3. Periodic schedule for submission of information [AMENDED]
- Subchapter 5. Collection and Release of Information
- 310:9-5-2.1. Public Use Data File [AMENDED]
- 310:9-5-3. Standard information provider reports [REVOKED]

### AUTHORITY:

Commissioner of Health; 63 O.S. § 1-103; 63 O.S. §1-104; 51 O.S. § 24A.1 et seq., 51 O.S. § 151 et seq., 63 O.S. § 7302 et seq.

### ADOPTION:

June 26, 2019

### APPROVED BY GOVERNOR:

August 1, 2019

### EFFECTIVE:

Immediately upon Governor's approval

### EXPIRATION:

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

### SUPERSEDED EMERGENCY ACTIONS:

N/A

### INCORPORATIONS BY REFERENCE:

N/A

### FINDING OF EMERGENCY:

The emergency is required to fulfill grant requirements, data must be submitted by the first of 2020 and therefore would need to have emergency to complete this deadline.

### GIST/ANALYSIS:

The proposed updates to 310:9 will require more rapid reporting of the hospital discharge data to the OSDH, the submission of emergency department (ED) discharge data and modernizes existing rules related to notifications and reporting. Due to the ever-increasing need for timely health care data by public health practitioners, facilities researchers, and policy makers we are proposing that discharge data providers (inpatient, outpatient surgery and ambulatory surgery center discharges) submit the required data within 45 days after the end of each calendar quarter (instead of once annually), beginning in 2020.

### CONTACT PERSON:

Ashley Scott, Agency Rule Liaison, Oklahoma State Department of Health, 1000 N.E. 10<sup>th</sup> Street, Oklahoma City, OK 73117-1207; email: OSDHRules@health.ok.gov

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

## SUBCHAPTER 1. GENERAL PROVISIONS

### 310:9-1-2. Definitions.

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Administrator"** means the chief executive officer for a facility.

**"Ambulatory care data"** means data elements required by the Department regarding persons treated by hospitals, free-standing ambulatory surgery centers, or other health care providers, for less than 24 hours.

**"Ambulatory surgery center"** means a hospital-based or free-standing center providing surgery with patient stays of less than 24 hours, licensed under ~~63 O.S. Supp. 1998 Section 4-704-63 O.S. Section 2657~~ et seq.

**"Board"** means Oklahoma State Board of Health.

**"Commissioner"** means the Commissioner of the Oklahoma State Department of Health.

**"Committee"** means the Health Care Information Advisory Committee.

**"Custom Data Set"** means a subset of the Public Use Data File developed by the Department on special request.

**"Custom report"** means a compilation or study developed by the Department on special request.

**"Data element"** means the specific information collected and recorded for the purpose of health care and health care service delivery. Data elements include information to identify the individual, the health care provider, the data supplier, the

# Emergency Adoptions

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services provided, charges for service, payor source, medical diagnosis, medical treatment and other data as requested.

**"Data file"** means an electronic file containing data elements.

**"Data submission manual"** means a manual developed by the Department containing data elements required to be submitted by information providers.

**"Data use agreement"** means a document that must be submitted in order to obtain the public use data file or any anonymous patient- level data. The document assures the Department that the user will not attempt to identify or contact any person included in the data set.

**"Department"** means the Oklahoma State Department of Health.

**"Direct Patient Identifiers"** Data elements that directly identify a patient (e.g. name, SSN, etc).

**"Division"** means the Health Care Information Division of the Oklahoma State Department of Health.

**"Facility"** means hospital or ambulatory surgery center.

**"Health care information system"** means the system for receipt, collection, analysis, evaluation, processing, utilization and dissemination of health care data established and maintained by the Health Care Information Division pursuant to the Oklahoma Health Care Information System Act.

**"Health care provider"** means hospitals, nursing facilities, ambulatory surgery centers, and any other health care provider licensed or certified by the Department or any other state agency; doctors as defined in Section 725.2 of Title 59 of the Oklahoma Statutes; or physical therapists, physician assistants, pharmacists, nurses and home health care providers licensed pursuant to the laws of this state.

**"Health data"** means information relating to the health status of individuals, health services delivered, the availability of health manpower and facilities, and the use and costs of resources and services to the consumer.

**"Hospital"** means a hospital licensed under 63 O.S. ~~Supp-~~ 1998 Section 1-704.

**"Hospital discharge data"** means data elements required by the Department regarding persons admitted to and discharged from a hospital.

**"Identifying information"** means information that could uniquely identify an individual.

**"Information provider"** means all health care providers and the third-party payor or public-supported provider as defined in Section 1-116 of Title 63 of the Oklahoma Statutes.

**"Oklahoma Cooperative Annual Hospital Survey"** means a voluntary annual survey of all Oklahoma hospitals regarding service and financial information.

**"Public use data file"** means an electronic file for public use containing data elements from the hospital discharge or ambulatory surgery data file that do not directly or indirectly identify an individual or physician.

**"Standard information provider report"** means a compilation of data submitted by an information provider that is generated by the Division for the information provider.

**"Standard report"** means a compilation or study developed to display information on selected topics, published periodically.

**"Third-party data processor"** means any entity that provides data processing services.

**"Third-party payor"** means any entity, other than a purchaser, which is responsible for payment either to the purchaser or the health care provider for health care services rendered by the health care provider.

## SUBCHAPTER 3. REQUIRED INFORMATION

### 310:9-3-1. Required information to be collected from information providers

(a) The Department is required by law to collect the following types of information from information providers:

(1) Financial information including, but not limited to, consumption of resources to provide services, reimbursement, costs of operation, revenues, assets, liabilities, fund balances, other income, rates, charges, units of service, wage and salary data;

(2) Service information including, but not limited to,

(A) occupancy, capacity, and special and ancillary services;

(B) Physician profiles in the aggregate by clinical specialties and nursing services;

(C) Discharge data, including but not limited to, completed discharge data sets or comparable information for each patient discharged from the facility after the effective date of this act; and

(D) Ambulatory care data including, but not limited to, provider-specific and encounter data.

(b) The data elements to be submitted by information providers for hospital inpatient discharges include, but are not limited to the data elements defined in the current version of the National Uniform Bill

(c) The data elements to be submitted by information providers for ambulatory surgery and emergency department patients include, but are not limited to the data elements defined in the current version of the National Uniform Bill and the CMS-1500

(d) Data file formats that will be accepted include:

(1) XML format as defined by the Division,

~~(2) Standard fixed length ASCII format as defined by the Division;~~

~~(3) Other formats agreed upon by OSDH and the data provider prior to submission.~~

(e) Formats containing the appropriate fields without adhering to the appropriate format shall be considered unreadable and will be returned to the provider.

### 310:9-3-2. Data files

(a) When a data file is received from an information provider, the Department will notify mail—the facility ~~administrator a letter~~ acknowledging receipt of the data. ~~A copy of this letter will be sent either to the facility technical contact or the third party data processor who submitted the data file.~~

(b) As hospital discharge or ambulatory care data files are received by the Department, the data will be processed and

checked for errors. This process will include error checking for out of range, or invalid data elements as specified in the data submission manual. Upon processing the submitted data file, the Department will send the information provider:

- (1) A standard information provider report developed from the provider's data; and
- (2) A list of errors in that information provider's data file and will request the information provider correct errors associated with their data within 30 days of receipt of said letter, electronically or in writing, to the Department.

**310:9-3-3. Periodic schedule for submission of information**

- (a) Hospital discharge data files must be submitted to the Department within 60 days after the end of each calendar quarter, beginning calendar year 2020 by May 1 of the following calendar year.
- (b) Ambulatory surgery data files must be submitted to the Department within 60 days after the end of each calendar quarter, beginning with calendar year 2020 by March 1 of the following calendar year, beginning March, 2002.
- (c) Emergency department data files must be submitted to the Department within 45 days after the end of each month, beginning with calendar year 2020.
- (d) The Department may grant an extension on written request from the information provider on a case-by-case basis.

**SUBCHAPTER 5. COLLECTION AND RELEASE OF INFORMATION**

**310:9-5-2.1. Public Use Data File**

- (a) The Department will annually make available for purchase a Public Use Data File(s) (PUDF) containing a calendar year of record level data with anonymous case files (i.e., direct patient identifiers removed).
- (b) The hospital inpatient discharge data PUDF includes the following data elements:
  - (1) Record Identifier (Synthetic)
  - (2) Patient state of residence
  - (3) Patient zip code
  - (4) Patient county of residence
  - (5) Patient gender
  - (6) Patient race
  - (7) Patient marital status
  - (8) Patient age group
  - (9) Hospital ID
  - (10) Hospital Type
  - (11) Admission year
  - (12) Admission month
  - (13) Admission day of week
  - (14) Discharge year
  - (15) Discharge month
  - (16) Discharge day of week
  - (17) Length of stay in days
  - (18) Type and source of admission
  - (19) Patient discharge status

- (20) Payer classification
  - (21) Total charges
  - (22) Diagnosis Related Group (DRG)
  - (23) Major Disease Category (MDC)
  - (24) Birth weight group
  - (25) Admitting diagnosis
  - (26) External cause of injury codes (E-code)
  - (27) Principal diagnosis
  - (28) Other diagnosis codes
  - (29) Principal procedure code
  - (30) Other procedure codes
  - (31) Present upon Admission (POA)
- (c) The hospital outpatient surgery data PUDF includes the following data elements:
- (1) Record Identifier (Synthetic)
  - (2) Patient state of residence
  - (3) Patient zip code
  - (4) Patient county of residence
  - (5) Patient gender
  - (6) Patient race
  - (7) Patient marital status
  - (8) Patient age group
  - (9) Hospital ID
  - (10) Admission year
  - (11) Admission month
  - (12) Admission day of week
  - (13) Admission hour
  - (14) Discharge year
  - (15) Discharge month
  - (16) Discharge day of week
  - (17) Discharge hour
  - (18) Length of stay in days
  - (19) Type and source of admission
  - (20) Patient discharge status
  - (21) Total charges
  - (22) External cause of injury codes (E-code)
  - (23) Principal diagnosis
  - (24) Other diagnosis codes
  - (25) Principal procedure CPT code
  - (26) Other procedure CPT codes
  - (27) Payer classification
  - (28) Ambulatory payment classification (APC)
- (d) The ambulatory surgery center data PUDF includes the following data elements:
- (1) Record Identifier (Synthetic)
  - (2) Patient state of residence
  - (3) Patient zip code
  - (4) Patient county of residence
  - (5) Patient gender
  - (6) Patient race
  - (7) Patient marital status
  - (8) Patient age group
  - (9) Facility ID
  - (10) Admission year
  - (11) Admission month
  - (12) Admission day of week
  - (13) Admission hour
  - (14) Discharge year

## Emergency Adoptions

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- (15) Discharge month
- (16) Discharge day of week
- (17) Discharge hour
- (18) Length of stay in days
- (19) Total charges
- (20) Principal diagnosis
- (21) Other diagnosis codes
- (22) Principal procedure CPT code
- (23) Other procedure CPT codes
- (24) Payer Classification
- (25) Ambulatory payment classification (APC)

(e) The hospital emergency department data PUDF includes the following data elements:

- (1) Record Identifier (Synthetic)
- (2) Patient state of residence
- (3) Patient zip code
- (4) Patient county of residence
- (5) Patient gender
- (6) Patient race
- (7) Patient marital status
- (8) Patient age group
- (9) Hospital ID
- (10) Admission year
- (11) Admission month
- (12) Admission day of week
- (13) Admission hour
- (14) Discharge year
- (15) Discharge month

- (16) Discharge day of week
- (17) Discharge hour
- (18) Length of stay in days
- (19) Type and source of admission
- (20) Patient discharge status
- (21) Total charges
- (22) External cause of injury codes (E-code)
- (23) Principal diagnosis
- (24) Other diagnosis codes
- (25) Principal procedure CPT code
- (26) Other procedure CPT codes
- (27) Payer classification
- (28) Ambulatory payment classification (APC)

(ef) Entities requesting the PUDF must sign and complete the Data Use Agreement. The completed Data Use Agreement must be included with the request.

### **310:9-5-3. Standard information provider reports [REVOKED]**

~~After the information provider's data is processed, the information provider will receive a standard report that will include summary information regarding the information provider's facility and aggregate comparative information.~~

*[OAR Docket #19-725; filed 8-12-19]*

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# 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

**1:2019-32.**

### EXECUTIVE ORDER 2019-32

WHEREAS, the United States Constitution requires an enumeration of all persons in the United States every ten years in order to reapportion the membership of the U.S. House of Representatives among the states and for other purposes; and

WHEREAS, the next decennial census will be conducted on April 1, 2020; and

WHEREAS, a complete and accurate count of Oklahoma's population is essential for the fair representation of the citizenry, as the census determines congressional representation and redistricting; and

WHEREAS, individuals, businesses, local governments, and nonprofit organizations will rely on census data for planning and decision-making; and

WHEREAS, it is well established that certain households, special populations, and hard-to-enumerate areas are at risk of being under-counted and under-represented, including young children, who are at the heart of the future success of our State; and

WHEREAS, the State and federal governments will use aggregate information gained through the census, including population counts, housing and other data, to distribute billions of dollars in funding to essential programs, including education, health care and human services; and

WHEREAS, the State and its local governments utilize census data to provide descriptions of the social and economic characteristics of geographic areas and population groups to determine those areas' and groups' funding needs for infrastructure projects, economic development programs, job training, schools, and other activities; and

WHEREAS, to achieve a complete and accurate census count, it is important to involve representatives of the private and public sectors, Oklahoma's local governments, State agencies, Indian Tribes, and other important stakeholders;

NOW 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 that:

1. The Oklahoma Census 2020 Complete Count Committee (the "Committee") is hereby established and shall develop recommendations and assist in the administration of the decennial census to facilitate the most complete and accurate census count in the year 2020, including implementing strategies to reach hard-to-count populations and hard-to-enumerate areas.
2. The Committee shall consist of up to 20 individuals, all of whom will be appointed by the Governor and will serve at the Governor's pleasure. The Committee shall consist of one member of the majority party and one member of the minority party nominated by the Speaker of the Oklahoma House of Representatives, one member of the majority party and one member of the minority party nominated by the President Pro Tempore of the Oklahoma Senate, and representatives from State government, all levels of local government, Oklahoma's Indian Tribes, business, academia, community and nonprofit organizations, ethnic and faith-based communities, elected and appointed officials, so that there will be representatives of all gender, racial, economic, and geographic communities of our state (both urban and rural) to reflect its diversity
3. The Governor will designate the Chairperson of the Committee.
4. Members of the Committee shall serve without compensation.
5. All Cabinet Agencies, Boards and Committees shall cooperate and provide assistance as needed to the Committee in performing its functions. The Committee will receive administrative services and assistance from the Department of Commerce.
6. No later than December 1, 2019, the Committee will submit written, actionable recommendations to the Governor and each Cabinet Secretary on how the State can receive the most complete and accurate census count in the year 2020.
7. Upon completion of these recommendations, the Committee shall meet no less than quarterly to access and provide guidance to the work to carry out the recommendations. No later than December 1, 2021, the Committee will submit a written report analyzing the 2020 Census process and recommending improvements in advance of the 2030 Census.

Copies of this Executive Order shall be distributed to each Cabinet Secretary, the Speaker of the Oklahoma House of

## Executive Orders

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Representatives, the President Pro Tempore of the Oklahoma Senate, and the chief executives of every State agency, board, and commission for immediate implementation.

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

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #19-729; filed 8-23-19]*

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**1:2019-33.**

### EXECUTIVE ORDER 2019-33

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. 683.1 *et seq.*, hereby declare that there is a need to temporarily suspend certain commercial vehicle permitting, fees, licensing, and registration requirements in the State due to unusually severe weather in many parts of Oklahoma

Due to this unusually severe weather and the damage caused thereby, it is necessary to assist and expedite all efforts of storm relief and recovery, and power restoration. In order to accommodate this need and to provide assistance to the citizens of the State of Oklahoma in this extraordinary situation, I hereby order the temporary suspension of the following as they apply to vehicles in the support efforts:

1. The requirements for permits of oversized vehicles (not overweight) under Title 47 of the Oklahoma Statutes whose purpose is the transportation of materials and supplies used for storm relief and/or the provision of or assistance with power restoration;
2. The cost and fees of overweight permits required of carriers whose purpose is the transportation of materials and supplies used for storm relief and/or the provision of or assistance with power restoration, which require an overweight permit under Title 47 of Oklahoma statutes;
3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission; and
4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

Nothing contained in this Executive Order shall be construed as an exemption from the Controlled Substance and Alcohol Use and testing requirements. (49 C.F.R. part 382),

the Commercial Driver License requirements (49 C.F.R. part 383), the Financial Responsibilities requirements (49 C.F.R. part 387), or any other portion of the regulations contained in Parts 390 through 399 of Title 49 of the Federal Motor Carrier Safety Administration Regulations.

***This Executive Order shall be effective until 11:59pm CDT, September 6, 2019.***

This Executive Order shall be forwarded to the Oklahoma Corporation Commission, the Oklahoma Tax Commission, and the Commissioner of Public Safety, who shall cause the provisions of the 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, Oklahoma this 27<sup>th</sup> day of August, 2019.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #19-730; filed 8-28-19]*

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**1:2019-34.**

### EXECUTIVE ORDER 2019-34

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 Saturday, August 31, 2019, to honor Judge Robert L. Hert, who passed away on August 26, 2019.

Judge Hert was raised in Stillwater, where he graduated from Stillwater High School in 1962. Judge Hert went on to graduate in 1966 from Oklahoma State University. Continuing his education, Judge Hert earned a Juris Doctor degree from the University of Oklahoma. He honorably served as Special District Judge of Payne and Logan Counties from 2011-2019, and 2005-2007 was the Contract Administrative Law Judge for the Office of Administrative Hearings, Oklahoma Department of Human Services. Judge Hert also served in the United States Army Reserves, rising to rank of Lieutenant Colonel, receiving numerous awards including Army Commendation Medals and Meritorious Service Medals.

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 29<sup>th</sup> day of August, 2019.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #19-732; filed 8-29-19]*

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**1:2019-35.**

**EXECUTIVE ORDER 2019-35**

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 Tuesday, September 3, 2019, to honor former state lawmaker Gilmer N. Capps, who died Tuesday, August 27, 2019.

Former Senator Capps represented Oklahoma State Senate District 26. He was a concerned and diligent legislator

who worked tirelessly on issues related to agriculture and the aerospace and technology sector. Former Senator Capps attended Oklahoma State University and Cameron State University. In addition to public service, former Senator Capps took pride in his faith, his family, and running his farming and ranching business. Oklahoma farmers and ranchers are the heart and soul of America and people like former Senator Capps represent the strongminded, self-reliant character of our state.

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 29<sup>th</sup> day of August, 2019.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

*[OAR Docket #19-733; filed 8-29-19]*

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