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**Kevin Stitt, Governor**  
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# Submissions to Governor and Legislature

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

## **TITLE 5. OKLAHOMA ABSTRACTORS BOARD CHAPTER 11. ADMINISTRATION OF ABSTRACTORS ACT**

*[OAR Docket #20-162]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 3. Abstract Licenses, Certificates of Authority, and Permits

5:11-3-11. Eligibility [NEW]

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

February 24, 2020

*[OAR Docket #20-162; filed 2-24-20]*

## **TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 2. FEES**

*[OAR Docket #20-147]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 3. Fee Schedules

35:2-3-2. Schedules of laboratory fees [AMENDED]

35:2-3-2.1. Schedule of animal health testing fees [AMENDED]

35:2-3-2.3. Schedule of meat chemistry testing fees [AMENDED]

35:2-3-2.4. Schedule of microbiological testing fees [AMENDED]

35:2-3-2.5. Schedule of pesticide testing fees [AMENDED]

35:2-3-12. Schedule of horticulture program fees [AMENDED]

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

February 14, 2020

*[OAR Docket #20-147; filed 2-14-20]*

## **TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 10. AGRICULTURAL PRODUCTS**

*[OAR Docket #20-148]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 1. General Provisions

35:10-1-3. Handbook and publication editions [AMENDED]

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

February 14, 2020

*[OAR Docket #20-148; filed 2-14-20]*

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

*[OAR Docket #20-149]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

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

35:13-1-2. Deleted regulations [AMENDED]

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

February 14, 2020

*[OAR Docket #20-149; filed 2-14-20]*

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

*[OAR Docket #20-150]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 1. General Provisions

35:15-1-2. Definitions [AMENDED]

Subchapter 5. Biological Products and Laboratories

35:15-5-1. Biological products [AMENDED]

## Submissions to Governor and Legislature

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Subchapter 13. Testing and Inspection for Disease and Release of Livestock at Auction Markets

35:15-13-6. Movement of livestock through livestock auction markets [AMENDED]

Subchapter 15. Equine Infectious Anemia (EIA)

Part 1. General Provisions

35:15-15-4. Definitions [AMENDED]

Part 11. Requirements for Equidae Entering Oklahoma

35:15-15-111. General requirements for Equidae entering Oklahoma [AMENDED]

35:15-15-113. Entry requirements to an approved slaughter facility [REVOKED]

Subchapter 16. Contagious Equine Metritis

35:15-16-1. Incorporation by reference [AMENDED]

Subchapter 22. Swine Pseudorabies and Brucellosis

Part 1. General Provisions

35:15-22-4. Requirements for livestock auction markets [AMENDED]

Subchapter 34. Feral Swine

35:15-34-2. Definitions [AMENDED]

35:15-34-6. Sporting facilities [AMENDED]

Subchapter 35. Garbage Feeding

35:15-35-1. Permits [REVOKED]

35:15-35-2. Cooking of garbage [REVOKED]

35:15-35-3. Premise and equipment [REVOKED]

35:15-35-4. Records [REVOKED]

Subchapter 36. Scrapie

35:15-36-1. Incorporation by reference of federal regulations [AMENDED]

35:15-36-2. Deleted regulations [AMENDED]

35:15-36-3. Requirements for identification [AMENDED]

Subchapter 38. Bovine Trichomoniasis

35:15-38-1. Definitions [AMENDED]

35:15-38-2. Import requirements for bulls [AMENDED]

Subchapter 40. Bovine Tuberculosis

Part 1. Definitions

35:15-40-1. Definitions [AMENDED]

Subchapter 44. Farmed Cervidae

35:15-44-3. Application for license [AMENDED]

35:15-44-19. Entry and export requirements [AMENDED]

Subchapter 47. Chronic Wasting Disease (CWD) in Cervids

Part 7. Interstate Movement Requirements

35:15-47-18. Minimum CWD requirements for interstate movement of cervids [AMENDED]

Subchapter 49. Miscellaneous Animal Diseases

35:15-49-7. Equine Herpes Virus [NEW]

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

February 14, 2020

*[OAR Docket #20-150; filed 2-14-20]*

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

*[OAR Docket #20-151]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 3. Swine Feeding Operations

35:17-3-10. Transfer of license [AMENDED]

35:17-3-11. Pollution Prevention Plan (PPP) [AMENDED]

35:17-3-13. Criteria for liners [AMENDED]

35:17-3-17. Carcass disposal [AMENDED]

35:17-3-30. Commencement of construction [AMENDED]

Subchapter 4. Concentrated Animal Feeding Operations

35:17-4-8. Transfer of license [AMENDED]

35:17-4-9. Pollution Prevention Plan (PPP) [AMENDED]

35:17-4-11. Criteria for liners [AMENDED]

35:17-4-13. Carcass disposal [AMENDED]

Subchapter 5. Registered Poultry Feeding Operations

35:17-5-3. Registration, Nutrient Management Plan (NMP) required [AMENDED]

35:17-5-3.2. Cancellation of poultry feeding operation registration [NEW]

35:17-5-4. Soil and litter tests required [AMENDED]

35:17-5-5. Nutrient Management Plan [AMENDED]

Subchapter 9. Agricultural Compost Facilities

35:17-9-1. Purpose and applicability [AMENDED]

35:17-9-3. Permit provisions and application [AMENDED]

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

February 14, 2020

*[OAR Docket #20-151; filed 2-14-20]*

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## **TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 18. CARCASS DISPOSAL**

*[OAR Docket #20-152]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

35:18-1-1. Purpose [NEW]

35:18-1-2. Definitions [NEW]

35:18-1-3. Unlawful Acts [NEW]

35:18-1-4. Methods of Disposal [NEW]

35:18-1-5. Variances [NEW]

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

February 14, 2020

*[OAR Docket #20-152; filed 2-14-20]*

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

*[OAR Docket #20-153]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

- Subchapter 13. Imported Fire Ant Quarantine
- 35:30-13-3. Regulated area [AMENDED]
- Subchapter 17. Combined Pesticide
- Part 6. Pesticidal Product Producing Establishments
- 35:30-17-13. Incorporation by reference of federal pesticide producing establishment regulations [AMENDED]
- Part 15. Minimum Standards for Termite Work for Existing Structures
- 35:30-17-69.1. Perimeter termite treatments [AMENDED]
- 35:30-17-69.2. Exceptions to minimum standards [AMENDED]
- Part 21. Standards for Disposal of Pesticide and Pesticide Containers
- 35:30-17-89.1. Incorporation by reference of federal pesticide management and disposal regulations [AMENDED]
- Part 22. Wood Infestation Reports
- 35:30-17-107. Forms [AMENDED]
- Subchapter 25. Seed
- 35:30-25.2. Labeling requirements [AMENDED]
- Subchapter 29. Fertilizer
- Part 3. Liquid, Dry, and Anhydrous Ammonia
- 35:30-29-38. Anhydrous ammonia requirements [AMENDED]
- Subchapter 37. Nursery Stock Sales
- 35:30-37-12. Schedule of horticulture program fees [AMENDED]

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

February 14, 2020

*[OAR Docket #20-153; filed 2-14-20]*

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

*[OAR Docket #20-154]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

- Subchapter 1. Eggs
- 35:37-1-2. Methods of grading [AMENDED]
- Subchapter 3. Meat Inspection
- Part 1. General Provisions
- 35:37-3-1. Incorporation by reference of federal meat inspection regulations [AMENDED]
- 35:37-3-3. Deleted regulations [AMENDED]
- Subchapter 5. Poultry Products Inspection
- Part 1. General Provisions
- 35:37-5-1. Definitions and incorporation by reference of federal poultry inspection regulations [AMENDED]
- 35:37-5-2. Deleted regulations and exemptions [AMENDED]
- Subchapter 13. Milk and Milk Products
- 35:37-13-2. Incorporations by reference [AMENDED]
- Subchapter 15. Organic Products
- 35:37-15-2. The Adoption of NOP Standards [AMENDED]

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

February 14, 2020

*[OAR Docket #20-154; filed 2-14-20]*

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 40. MARKET DEVELOPMENT**

*[OAR Docket #20-155]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

- Subchapter 21. Oklahoma Healthy Food Financing Program [NEW]
- 35:40-21-1. Purpose [NEW]
- 35:40-21-2. Definitions [NEW]
- 35:40-21-3. Applicant eligibility [NEW]
- 35:40-21-4. Product eligibility [NEW]
- 35:40-21-5. Evaluation and financing criteria [NEW]
- 35:40-21-6. Allowed use of project funds [NEW]
- 35:40-21-7. Applications for project funds [NEW]
- 35:40-21-8. Supplemental program information [NEW]
- Subchapter 23. Made in Oklahoma [NEW]
- 35:40-23-1. Purpose [NEW]
- 35:40-23-2. Definitions [NEW]
- 35:40-23-3. Applicant eligibility [NEW]

## Submissions to Governor and Legislature

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- 35:40-23-4. Product eligibility [NEW]
- 35:40-23-5. Application [NEW]
- 35:40-23-6. Logo [NEW]
- 35:40-23-7. Renewal and revocation [NEW]
- 35:40-23-8. Product endorsement [NEW]

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

February 14, 2020

*[OAR Docket #20-155; filed 2-14-20]*

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### TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 44. AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM

*[OAR Docket #20-156]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 1. Agriculture Environmental Permitting and AgPDES

Part 1. General Provisions

35:44-1-3. Date of federal regulations incorporated [AMENDED]

Subchapter 3. Permit Conditions and Requirements

35:44-3-3. Date of federal regulations incorporated [AMENDED]

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

February 14, 2020

*[OAR Docket #20-156; filed 2-14-20]*

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

*[OAR Docket #20-157]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 3. Standards of Care

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

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

February 14, 2020

*[OAR Docket #20-157; filed 2-14-20]*

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### TITLE 55. BOARD OF GOVERNORS OF THE LICENSED ARCHITECTS, LANDSCAPE

### ARCHITECTS AND REGISTERED INTERIOR DESIGNERS OF OKLAHOMA CHAPTER 10. LICENSURE AND PRACTICE OF ARCHITECTS, LANDSCAPE ARCHITECTS AND REGISTRATION OF INTERIOR DESIGNERS

*[OAR Docket #20-163]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 1. General Provisions

55:10-1-2. [AMENDED]

55:10-1-3. [AMENDED]

Subchapter 3. Administrative Operations

55:10-3-11. [AMENDED]

55:10-3-13. [AMENDED]

Subchapter 5. Application and Eligibility for Licensing or Registration

55:10-5-2. [AMENDED]

55:10-5-4. [AMENDED]

55:10-5-5. [REVOKED]

55:10-5-6. [REVOKED]

55:10-5-7. [AMENDED]

55:10-5-8. [AMENDED]

55:10-5-10. [AMENDED]

55:10-5-11. [AMENDED]

Subchapter 7. Examination

55:10-7-1. [AMENDED]

55:10-7-2. [REVOKED]

55:10-7-3. [REVOKED]

55:10-7-4. [AMENDED]

55:10-7-5. [REVOKED]

55:10-7-6. [AMENDED]

55:10-7-7. [AMENDED]

Subchapter 9. Licensing and Registration

55:10-9-1. [AMENDED]

55:10-9-5. [AMENDED]

55:10-9-6. [AMENDED]

55:10-9-7. [AMENDED]

55:10-9-10. [AMENDED]

55:10-9-11. [AMENDED]

Subchapter 11. Rules of Professional Conduct

55:10-11-2. [REVOKED]

55:10-11-3. [AMENDED]

55:10-11-5. [AMENDED]

55:10-11-6. [AMENDED]

55:10-11-7. [AMENDED]

55:10-11-8. [AMENDED]

55:10-11-9. [AMENDED]

55:10-11-10. [AMENDED]

55:10-11-12. [AMENDED]

Subchapter 13. Organizational Practice

55:10-13-1. [AMENDED]

55:10-13-2. [REVOKED]

55:10-13-4. [REVOKED]  
55:10-13-5. [AMENDED]  
55:10-13-6. [AMENDED]  
55:10-13-7. [AMENDED]  
55:10-13-8. [AMENDED]  
55:10-13-13. [AMENDED]  
55:10-13-16. [AMENDED]  
55:10-13-17. [AMENDED]  
55:10-13-18. [AMENDED]  
55:10-13-19. [AMENDED]  
55:10-13-20. [AMENDED]  
55:10-13-21. [AMENDED]  
Subchapter 15. Violations  
55:10-15-1. [AMENDED]  
55:10-15-2. [AMENDED]  
Subchapter 17. Continuing Education Requirements  
55:10-17-3. [AMENDED]

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

February 24, 2020

*[OAR Docket #20-163; filed 2-24-20]*

**TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE  
CHAPTER 140. OKLAHOMA QUICK ACTION CLOSING FUND**

*[OAR Docket #20-166]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

150:140-1-1. Purpose and scope [AMENDED]  
150:140-1-3. Application process [AMENDED]  
150:140-1-4. Award process [AMENDED]  
150:140-1-5. Award agreement [AMENDED]

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

February 25, 2020

*[OAR Docket #20-166; filed 2-25-20]*

**TITLE 245. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS  
CHAPTER 2. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #20-145]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

245:2-1-10 [AMENDED]

245:2-1-18 [AMENDED]  
245:2-1-22 [NEW]

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

January 22, 2020

*[OAR Docket #20-145; filed 2-14-20]*

**TITLE 245. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS  
CHAPTER 15. LICENSING AND PRACTICE OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

*[OAR Docket #20-146]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 1. General Provisions  
245:15-1-3 [AMENDED]  
Subchapter 3. Application and Eligibility for Licensure  
245:15-3-1 [AMENDED]  
245:15-3-2 [AMENDED]  
245:15-3-4 [AMENDED]  
245:15-3-6 [AMENDED]  
245:15-3-7 [AMENDED]  
245:15-3-8 [AMENDED]  
245:15-3-9 [AMENDED]  
245:15-3-10 [AMENDED]  
Subchapter 5. Examinations  
245:15-5-1 [AMENDED]  
245:15-5-3 [AMENDED]  
245:15-5-4 [AMENDED]  
Subchapter 7. Licensure  
245:15-7-4 [AMENDED]  
245:15-7-5 [AMENDED]  
Subchapter 9. Rules of Professional Conduct  
245:15-9-3 [AMENDED]  
245:15-9-4 [AMENDED]  
Subchapter 11. Continuing Education  
245:15-11-5 [AMENDED]  
245:15-11-7 [AMENDED]  
245:15-11-11 [AMENDED]  
245:15-11-13 [AMENDED]  
Subchapter 13. Minimum Standards for the Practice of Land Surveying  
245:15-13-2 [AMENDED]  
Subchapter 17. Licensee's Seal  
245:15-17-1 [AMENDED]  
245:15-17-2 [AMENDED]

# Submissions to Governor and Legislature

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## SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 22, 2020

*[OAR Docket #20-146; filed 2-14-20]*

### TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 10. SPORT FISHING RULES

*[OAR Docket #20-159]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 1. Harvest and Possession Limits

800:10-1-4. Size limits on fish [AMENDED]

800:10-1-5. Bag limits on fish [AMENDED]

Subchapter 5. Area Restrictions and Special Fees

800:10-5-2. Department fishing areas [AMENDED]

800:10-5-3. Designated trout areas [AMENDED]

## SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 14, 2020

*[OAR Docket #20-159; filed 2-19-20]*

### TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 25. WILDLIFE RULES

*[OAR Docket #20-160]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 3. Hunting on Corps of Engineers Land

800:25-3-2. Areas open to archery equipment and shotguns with pellets only [AMENDED]

800:25-3-5. Areas open to archery equipment and all legal firearms other than centerfire rifles and handguns [AMENDED]

Subchapter 5. Migratory Bird Hunting Season

Part 11. Waterfowl Hunting Blinds

800:25-5-48. Purpose [AMENDED]

800:25-5-49. Permits for permanent or temporary blinds [AMENDED]

800:25-5-50. Drawing process [AMENDED]

800:25-5-51. Blind construction [AMENDED]

Subchapter 7. General Hunting Seasons

Part 5. Upland Game

800:25-7-12. Pheasant [AMENDED]

Part 13. Deer

800:25-7-52. Deer - primitive firearms (muzzleloading) [AMENDED]

800:25-7-53. Deer - gun [AMENDED]

Part 19. Seasons on Areas Owned or Managed by the Oklahoma Department of Wildlife Conservation and the U.S. Fish and Wildlife Service

800:25-7-82. Atoka WMA [AMENDED]

800:25-7-83. Beaver River WMA [AMENDED]

800:25-7-83.1. Beaver River WMA - McFarland Unit [AMENDED]

800:25-7-84. Black Kettle WMA [AMENDED]

800:25-7-88. Canton WMA [AMENDED]

800:25-7-91. Cherokee GMA [AMENDED]

800:25-7-92.1. Cimarron Bluff Wildlife Management Area [AMENDED]

800:25-7-92.2. Cimarron Hills Wildlife Management Area [AMENDED]

800:25-7-93. Cookson WMA [AMENDED]

800:25-7-94. Copan WMA [AMENDED]

800:25-7-94.1. Cooper WMA [AMENDED]

800:25-7-94.1.1. Cross Timbers WMA [AMENDED]

800:25-7-95. Ellis County WMA [AMENDED]

800:25-7-101. Fort Supply WMA [AMENDED]

800:25-7-108. Hickory Creek WMA [AMENDED]

800:25-7-111. Hulah WMA [AMENDED]

800:25-7-113. James Collins WMA [AMENDED]

800:25-7-116. Keystone WMA [AMENDED]

800:25-7-118. Little River NWR [AMENDED]

800:25-7-121. Major County WMA [AMENDED]

800:25-7-125. McGee Creek WMA [AMENDED]

800:25-7-127. Okmulgee GMA [AMENDED]

800:25-7-128. Okmulgee PHA [AMENDED]

800:25-7-130. Optima WMA [AMENDED]

800:25-7-131.2. Osage WMA - Western Wall Unit [AMENDED]

800:25-7-134. Packsaddle WMA [AMENDED]

800:25-7-136. Pushmataha WMA [AMENDED]

800:25-7-137. Rita Blanca WMA [AMENDED]

800:25-7-139. Salt Plains NWR [AMENDED]

800:25-7-140.1. Sans Bois WMA [NEW]

800:25-7-141. Schultz WMA [AMENDED]

800:25-7-142. Sequoyah NWR [AMENDED]

800:25-7-142.1. Shorb WMA [AMENDED]

800:25-7-143. Skiatook WMA [AMENDED]

800:25-7-145. Spavinaw GMA [AMENDED]

800:25-7-151.1. Tishomingo NWR [AMENDED]

800:25-7-153. Washita NWR [AMENDED]

800:25-7-154.1. Wichita Mountains NWR [AMENDED]

Subchapter 24. Import of Cervids

800:25-24-1. Purpose [AMENDED]

800:25-24-3. Requirements [AMENDED]

Subchapter 26. Scientific Collector Permits

Part 1. Scientific Purposes [NEW]

Part 2. Authorization Letters [NEW]

800:25-26-5. Purpose [NEW]

800:25-26-6. Application Process and Reporting [NEW]

800:25-26-7. Uses and Specifications [NEW]

Subchapter 37. Nuisance Wildlife Control Program

Part 3. Wildlife and Feral Hog Nuisance and Depredation  
Rules

800:25-37-16. Feral swine night shooting exemptions  
[AMENDED]

Subchapter 41. Three-Day Special Use Permits [NEW]

800:25-41-1. Purpose [NEW]

800:25-41-2. Procedures and guidelines [NEW]

800:25-41-3. Application and fees [NEW]

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

February 14, 2020

*[OAR Docket #20-160; filed 2-19-20]*

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**TITLE 800. DEPARTMENT OF WILDLIFE  
CONSERVATION  
CHAPTER 30. DEPARTMENT OF  
WILDLIFE LANDS MANAGEMENT**

*[OAR Docket #20-161]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 1. Use of Department Managed Lands

800:30-1-4. Camping [AMENDED]

800:30-1-5. Vehicles [AMENDED]

800:30-1-8. Language, disorderly assemblage, noise or  
other disruptive acts [AMENDED]

800:30-1-20. Restricted public use areas [AMENDED]

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

February 14, 2020

*[OAR Docket #20-161; filed 2-19-20]*

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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 460. DEPARTMENT OF MINES CHAPTER 10. NON-COAL RULES AND REGULATIONS

[OAR Docket #20-158]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 13. Non-Coal Mining Permit Applications Requirements for Information on Environmental Resources

460:10-13-5. Permitting for non-coal mining within a Sensitive Basin [REVOKED]

460:10-13-5.1. Permitting for non-coal mining within a Sensitive Basin [NEW]

460:10-13-6. Operational requirements for non-coal mining within a Sensitive Basin [AMENDED]

Subchapter 19. Permit Revisions, Amendments, Renewals, and Transfers

466:10-19-4. Permit revisions and amendments [AMENDED]

### AUTHORITY:

Title 45 O.S. Section 1.5; Oklahoma Mining Commission

### ADOPTION:

September 25, 2019

### EFFECTIVE:

Immediately upon Governor's approval

### APPROVED BY GOVERNOR:

November 15, 2019

### EXPIRATION:

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

### SUPERSEDED EMERGENCY ACTIONS:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

The Oklahoma Mining Commission determined that there was a compelling state interest caused by a statutory conflict due to the enactment of HB 2471. HB 2471 was signed by the Governor on May 13, 2019, and the bill's language resulted in a conflict within the existing non-coal rules and regulations, OAC 460:10. The conflicting language must be amended before the effective date of November 1, 2019, to ensure compliance with the statutory changes outlined in HB 2471. The statutory changes pertain to the non-coal rules for mining permit application information on environmental resources, permitting, revisions and amendments, and operation requirements of mining within a Sensitive Basin. This emergency amendment is needed to comply with state law and to protect the public's health, safety and welfare and to protect their interest in the groundwater basins and subbasins of the state.

### GIST/ANALYSIS:

Emergency amendments to Chapter 10, Non-Coal Rules and Regulations [OAC 460:10] are proposed to eliminate the statutory conflict that exists due to the enactment of HB 2471, which pertains to non-coal mines and mining located within a Sensitive Basin, or located overlying a sensitive

sole source groundwater basin or subbasin. The conflicts are within Subchapter 13. Non-Coal Mining Permit Application Requirements for Information on Environmental Resources and Subchapter 19. Permit Revisions, Amendments, Renewals, and Transfers.

In Subchapter 13, 460:10-13-5. Permitting for non-coal mining within a Sensitive Basin is revoked. The new Section 460:10-13-5.1, consists of HR 2471's statutory language defining a subject mine; establishing a legislative declared moratorium on the issuance of any permit, overlying a sensitive sole sources ground water basin or subbasin or where groundwater is emanating therefrom and collecting within a pit, or amending or revising an existing permit that adds additional land which extends initial boundaries: if the permit, amendment, or revision covers additional land which included boundary extensions of the initial permit the permit, if the amendment or revision increases the permit acreage by more than 100 percent or by 400 acres, whichever is less. The Department can issues amendments or revisions to cover additional land; changes to mining methods, reclamation operations contemplated by original permits, or authorization to allow changes in mine ownership or bonding and these permit amendments and revisions issued herein be deemed a subject mine or a new mining operation. In 460:13-16, Subsection (a) is amended to remove an obsolete deadline.

In Subchapter 19, Section 460:10-19-4. Permit revisions, was amended to add and amendments to the section tag line and subsection (d) was is amended to require any extension of the initial boundaries to be made by an amended permit application completed in compliance with 45 O.S. Section 724 (J) since no new permits will be issued.

### CONTACT PERSON:

Cathy Frank, APA Liaison, Department of Mines, 2915 North Classen Blvd., Suite 213, Oklahoma City, OK 73106, (918) 295-3996, Cathy.Frank@mines.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 13. NON-COAL MINING PERMIT APPLICATIONS REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

### 460:10-13-5. Permitting for non-coal mining within a Sensitive Basin [REVOKED]

(a) ~~In addition to the requirements of this Chapter and the requirements of 45 O.S. Section 721 et seq., non coal applicants seeking new permits, or revisions to existing permits by~~

## Emergency Adoptions

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increasing permitted acreage beyond the boundaries of the existing permit, after August 1, 2011, for mining within a Sensitive basin must submit a management plan to the Department which has been approved by the Oklahoma Water Resources Board.

~~(b) All non-coal applicants seeking a non-coal mining permit which contains operations including taking, using, or disposing of pit water in an amount less than the acre feet amount per year as determined by the Oklahoma Water Resources Board specified within OAC 785:30-15-3(b) shall be exempted from the requirements of this subchapter.~~

### **460:10-13-5.1. Permitting for non-coal mining within a sensitive basin**

(a) A "Subject mine" shall mean a mine, as defined in the paragraph 2 of Section 723 of Title 45 of the Oklahoma Statutes, proposed for a location overlying a sensitive sole source groundwater basin or subbasin.

(b) The Legislature hereby declares and establishes a moratorium on the Department of Mines issuing, in relation to any location overlying a sensitive sole source groundwater basin or subbasin or in which groundwater emanating from any sensitive sole source groundwater basin or subbasin may collect within a pit, as defined in paragraph 12 of Section 723 of Title 45 of the Oklahoma Statutes:

(1) Any permit, pursuant to Section 724 of Title 45 of the Oklahoma Statutes, to any subject mine;

(2) Any amendment or revision to any existing mining permit that covers additional land which shall include extensions of boundaries shown in the initial permit, pursuant to subsection J of Section 724 of Title 45 of the Oklahoma Statutes, if such amendment or revision would increase the acreage under the permit for that mine location by more than one hundred percent (100%) or four hundred (400) acres, whichever is less, as compared to the acreage under the permit for that mine location.

(3) Notwithstanding the moratorium, nothing shall preclude the Department of Mines from issuing an amendment or revision to cover additional land, other changes to method or conduct of mining, reclamation operations contemplated by the original permit or other authorization to allow a change in mine ownership or to implement bonding under a permit, nor shall any permit amendment or revision issued pursuant to this section be deemed to render the permitted mine a subject mine nor a new mining operation.

### **460:10-13-6. Operational requirements for non-coal mining within a Sensitive Basin**

~~(a) In addition to the requirements listed in this Chapter and those requirements within 45 O.S. Section 721 et seq., applicants for non-coal mining permits within a Sensitive basin who submit their application to the Department after August 1,~~

~~2011, must submit to the Department a groundwater use permit approved by the Oklahoma Water Resources Board prior to taking, use, or disposal of pit water.~~

~~(ba) Mines which have lost their preexisting exemptions regarding water trapped in producing/active mines as provided in 82 O.S. Section 1020.2(C) and OAC 785:30-15-1(c) and as determined by the Oklahoma Water Resources Board, must submit to the Department a copy of the management plan which has been approved by the Oklahoma Water Resources Board.~~

~~(eb) An applicant who has been issued a non-coal mining permit by the Department, and who the Oklahoma Resources Board determines is in violation of its groundwater use permit or its management plan, may be subject to enforcement actions by the Oklahoma Water Resources Board and the Department.~~

## **SUBCHAPTER 19. PERMIT REVISIONS, AMENDMENTS, RENEWALS, AND TRANSFERS**

### **460:10-19-4. Permit revisions and amendments**

(a) A revision to a permit shall be obtained:

(1) For changes in the non-coal surface mining and reclamation operations described in the original application and approved under the original permit, when such changes constitute a significant departure from the method of conduct of mining and or reclamation operations contemplated by the original permit. Significant departures would include any enlargement in the permit area.

(2) For mergers, conversions or other modifications to the nature of the business entity permitted.

(b) The application for revision shall be filed in accordance with the following: The permittee shall submit the application information, including copies of the notices and hearings, applicable to the revision requests as required in these regulations. Any application for a revision which purposes significant alterations in the operations described in the materials submitted in the application for the original permit under Subchapters 11, 13, or 15 of this Chapter or in the conditions of the original permit shall, at a minimum, be to the requirements of Subchapter 17 of this Chapter.

(c) The Department shall approve or disapprove the complete application for a revision in accordance with the requirements of Subchapter 17 of the Chapter, within a reasonable time as established in this chapter.

(d) Any extensions of the boundaries shown in the initial permit, except for incidental boundary revisions, shall be made by an amended permit application for a new permit and shall not be approved under this Subchapter, in compliance with 45 O.S. Section 724 J.

*[OAR Docket #20-158; filed 2-18-20]*

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 30. SIZE AND WEIGHTS PERMITS**

[OAR Docket #20-164]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 3. Size and Weight Permit Load

595:30-3-2. A permit is a legal document; permit types [AMENDED]

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

**ADOPTION:**

December 16, 2019

**EFFECTIVE:**

Immediately upon the Governor's approval

**APPROVED BY GOVERNOR:**

January 27, 2020

**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:**

This rule change is necessary to help regulate the transportation of materials and or products for a business that has two facilities in close proximity of each other.

**GIST/ANALYSIS:**

SB690 was signed into law with an effective date of November 1, 2019. 47 O.S. § 14-103 provides the Commissioner of Public Safety the authority to issue a special permit for overheight trailers that This rule change is required to allow the Department to issue a special permit for overheight trailers traveling limited distances. This amendment will aid a business that has two separate facilities to transport materials and/or products from one location to the next. These special permits benefit both the state and businesses.

**CONTACT PERSON:**

Kimberly D. Dammen, DPS Legislative Services manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2140. E-mail: kdammen@dps.state.ok.us

**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., § 253(F):**

**SUBCHAPTER 3. SIZE AND WEIGHT PERMIT LOAD**

**595:30-3-2. A permit is a legal document; permit types**

(a) **Permit defined.** A permit is a legal document authorizing the permittee to move a vehicle or load, which is oversize, overweight, or both, upon the roads and highways of this state when the route constitutes the safest practical routing. The document shall be carried in paper form and in the drivers possession (Electronic copies will not be acceptable) and consist of:

- (1) the information furnished by the applicant contained in the permit,
- (2) the conditions and restrictions stated in the permit, and
- (3) the applicable provisions of this Chapter, OAC 730:30-9, Oklahoma law, or any combination of provisions.

(b) **Annual permits.** Annual permits, as authorized by 47 O.S. §14-101 et seq. and by OAC 730:30-9, shall be on a form and in a manner prescribed by the Commissioner of Public Safety. Annual permits shall comport to 23 U.S.C. §127 for interstate applications, to other state statutes relating to size and weight of vehicles and combinations of vehicles, and to OAC 730:30-9 for all roads and highways of this state. Annual permits shall be for a duration of one calendar year from the date of issuance. Annual permits for the movement of vehicles, loads, or both which exceed the size or weight provisions, or both, of 47 O.S. §14-101 et seq., but do not exceed the provisions of OAC 730:30-9 or state statutes relating to maximum allowable permit limits, shall be applied for and issued, using the procedures established in this Chapter, through the Size and Weight Permit Division of the Department of Public Safety. Annual permits shall not be restricted to nondivisible vehicles or loads and shall be specific to the towing vehicle of any vehicle operating as a combination of vehicles.

- (1) Fees for annual permits shall be in accordance with the fee schedule contained in 47 O.S. §14-101 et seq.
- (2) Annual permits shall be subject to suspension, revocation or cancellation by the Commissioner of Public Safety or an authorized representative upon due process, as outlined in this Subchapter.

(c) **Single trip permits.** Single trip permits, as authorized in OAC 730:30-9-6(2), shall be on a form and in a manner prescribed by the Commissioner of Public Safety. Single trip permits shall be applied for and issued, using the procedures established in this Chapter, through the Size and Weight Permit Division of the Department of Public Safety. All single trip permits shall comport to OAC 730:30-9 and related state statutes and shall be for a duration of up to, but not to exceed, five (5) consecutive calendar days. Single trip permits shall be issued for nondivisible vehicles or loads, as defined in 23 C.F.R. § 658, which exceed the provision of state statutes but do not exceed the provisions of OAC 730:30-9 or state statutes relating to maximum allowable permit limits. All or any permits may be revoked by any duly qualified law enforcement officer of the Department of Public Safety after having observed any violation of any of the provisions of the permit. The revocation shall be final and no further movement of the vehicle or load shall be authorized until the vehicle or load is authorized by a proper permit.

(d) **Multi-trip oversize permits.** A multi-trip oversize permit may be issued for a specific motor vehicle, which can be identified by a vehicle identification number or serial number, for movement as set forth in 730:30-9-9(a)(1) and (j).

(e) **Annual envelope vehicle permit.** An annual envelope vehicle permit shall be issued by the Department in conformity with 730:30-9-16. In addition to the requirements of 730:30-9-16:

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- (1) An annual envelope permit shall not be used in conjunction with any other permit.
  - (2) An annual envelope permit shall be void if used for the movement of houses or modular or manufactured homes.
  - (3) An annual envelope permit shall be void if laminated.
  - (4) Reasonable access to and from terminals for fuel, food, repairs and rest shall not exceed five (5) statute miles from the roadways authorized by the Oklahoma Department of Transportation.
  - (5) A vehicle being moved under an envelope permit shall not be moved on turnpikes except on non-interstate turnpikes. Non-interstate turnpikes are:
    - (A) Indian Nation
    - (B) Cimarron
    - (C) Cherokee
    - (D) Chickasaw
    - (E) Creek
    - (F) Muskogee
    - (G) Kilpatrick
  - (6) The operator of a vehicle in excess of 9 feet and 6 inches in width which is moving under an envelope permit shall use a valid PikePass to travel on any turnpike listed in paragraph (5) and shall travel only in a PikePass lane when in the area of any tollbooth or turnpike entrance or exit.
- (f) Special overheight trailer permit for limited travel.** A Special Overheight Trailer Permit for Limited Travel (SOTPLT), in accordance with 47 O.S. § 14-103(B)(1), shall be issued in a manner and on a form prescribed by the Commissioner of Public Safety.
- (1) An SOTPLT shall be for a duration as determined by the Commissioner of Public Safety, but under no circumstance shall the permit exceed one (1) calendar year.
    - (A) The fee for a single trip SOTPLT shall be Forty Dollars (\$40.00) and shall be nonrefundable.
    - (B) The fee for a thirty (30) day SOTPLT shall be Five Hundred Dollars (\$500.00) and shall be nonrefundable.
    - (C) The fee for a one (1) year SOTPLT shall be Two Thousand Dollars (\$2000.00) and shall be nonrefundable.
  - (2) An SOTPLT shall not be restricted to nondivisible loads and shall be specific to the trailer being permitted.
  - (3) In addition to these requirements:
    - (A) An SOTPLT shall not be used in conjunction with any other permit.
    - (B) A trailer being moved under an SOTPLT shall not access nor be moved on any part of the National System of Interstates and Defense Highways or four-lane divided Federal Aid Primary System Highways, state highways or turnpikes.
  - (4) An SOTPLT shall comply with 595:30-3-18(b)(3), unless otherwise waived by the Commissioner of Public Safety.
  - (5) An SOTPLT applicant shall submit a detailed application to the Commissioner of Public Safety containing:
    - (A) Physical features of the route, including but not limited to:
      - (i) applicable speed limits,
      - (ii) specifications and description of any bridges,
      - (iii) infrastructure,
      - (iv) public or private utility overhead wire lines,
      - (v) traffic control devices,
      - (vi) road signage, and
      - (vii) any potential for pedestrian traffic.
    - (B) The duration of time the SOTPLT permit is needed.
    - (C) Trailer information including, but not limited to, VIN, tag number, height and specifications of the trailer.
    - (D) A certification from the permittee stating the permittee has contacted the effected City Street Department and/or County Commissioner and referenced any possible restrictions or obstacles within their jurisdiction that may impact the permittee's ability to travel.
- (f) Prima facie evidence.** Undertaking the movement of the vehicles and loads specified in the permit is deemed prima facie evidence of an unequivocal allegation that the permit is accepted by the permittee. Acceptance of the permit by the permittee will be deemed prima facie evidence of an unequivocal allegation by the permittee that:
- (1) Permittee is in compliance with all operational requirements;
  - (2) All dimension and weight limitations specified in the permit will not be exceeded;
  - (3) All operation, registration, and license requirements have been met;
  - (4) All financial responsibility obligations and other legal requirements have been met. The permittee assumes all responsibility for injury to any person or for damage to public or private property, including the permittee's own, or to the load being transported, caused directly or indirectly by the transportation of vehicles and loads authorized under the permit.
- (g) Multiple trailer or semitrailer permits.** To obtain a permit for multiple trailers or semitrailers pursuant to 47 O.S. 14-116 (F) an affidavit must:
- (1) be submitted to the Department of Public Safety Size and Weight Permits Division containing:
    - (A) license plate number of each trailer or semitrailer;
    - (B) vehicle identification number of each trailer or semitrailer;
    - (C) US DOT Number of power unit pulling a trailer or semitrailer;
    - (D) Make and Model of trailer or semitrailer; and
  - (h) Any violation of any part of this section shall result in the permit being voided.
  - (i) **Prima facie evidence.** Undertaking the movement of the vehicles and loads specified in the permit is deemed prima facie evidence of an unequivocal allegation that the permit is

accepted by the permittee. Acceptance of the permit by the permittee will be deemed prima facie evidence of an unequivocal allegation by the permittee that:

- (1) Permittee is in compliance with all operational requirements;
- (2) All dimension and weight limitations specified in the permit will not be exceeded;
- (3) All operation, registration, and license requirements have been met;
- (4) All financial responsibility obligations and other legal requirements have been met. The permittee assumes

all responsibility for injury to any person or for damage to public or private property, including the permittee's own, or to the load being transported, caused directly or indirectly by the transportation of vehicles and loads authorized under the permit.

*[OAR Docket #20-164; filed 2-25-20]*

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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

**1:2020-5.**

### EXECUTIVE ORDER 2020-5

Today, I signed into law House Bill 1230. House Bill 1230 would require the Department of Education to publicly report on its website information related to the Lindsey Nicole Henry Scholarship Program, which serves students with special needs, adopted children, and children in foster care. HB 1230 is intended to increase transparency, but may lead to the unintentional release of confidential student information in violation of state and federal law.

To ensure clarity in the implementation of House Bill 1230 and to provide guidance for the Department of Education, I declare that it is my intent that no confidential student information be released through compliance with and implementation of HB 1230. Additionally, under no circumstance shall information be released that would allow public identification of individual children attending specific schools.

THEREFORE, I HEREBY STRONGLY RECOMMEND the Oklahoma State Board of Education implement this

Bill consistent with the federal Family Educational Rights and Privacy Act, the Oklahoma Student Data Accessibility, Transparency, and Accountability Act of 2013, and with my statement herein.

This Executive Order shall be distributed to the Superintendent of Public Instruction and members of the State Board of Education, who shall cause the provisions of this 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 24<sup>th</sup> day of February, 2020.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

J. Kevin Stitt

ATTEST:  
Michael Rogers  
Secretary of State

[OAR Docket #20-165; filed 2-25-20]

