

ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1109

By: Culver of the House

and

Shurden of the Senate

A Joint Resolution relating to certain permanent rules of the Oklahoma State Board of Embalmers and Funeral Directors regarding continuing education; disapproving permanent rules OAC 235:10-13-1, OAC 235:10-13-2, OAC 235:10-13-3, OAC 235:10-13-4, OAC 235:10-13-5, OAC 235:10-13-6, OAC 235:10-13-7, OAC 235:10-13-8, and OAC 235:10-13-9; directing agency action; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to disapprove any rule, establish policy and determine that a rule is not consistent with legislative intent; and

WHEREAS, the Legislature has not specifically granted the Oklahoma State Board of Embalmers and Funeral Directors statutory authority to require continuing education of a licensed funeral director, a licensed embalmer or a licensed funeral merchandiser; and

WHEREAS, permanent rules OAC 235:10-13-1 through OAC 235:10-13-9 of the Oklahoma State Board of Embalmers and Funeral Directors provide for continuing education definitions, requirements, exemptions, program approval, verification, noncompliance and sanctions, academic course or home study programs, duties of the Board and an effective date; and

WHEREAS, permanent rules OAC 235:10-13-1 through OAC 235:10-13-9 regarding continuing education do not reflect the intent of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 45TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves permanent rules OAC 235:10-13-1 through OAC 235:10-13-9 of the Oklahoma State Board of Embalmers and Funeral Directors.

SECTION 2. The Legislature hereby directs the Oklahoma State Board of Embalmers and Funeral Directors to reconsider for reinstatement all suspended, nonrenewed, or revoked licenses of all individuals whose licenses were suspended, not renewed, or revoked due only to noncompliance with the continuing education rules OAC 235:10-13-1 through OAC 235:10-13-9. Such reconsideration shall consider the intent of the Legislature expressed in this Resolution. The Board of Embalmers and Funeral Directors shall provide a report to the Governor, the Speaker, and the President Pro Tempore of all actions taken pursuant to this section.

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Executive Secretary-Treasurer of the Oklahoma State Board of Embalmers and Funeral Directors and the Editor of "The Oklahoma Register".

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 23rd day of May, 1996.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1996.

President _____ of the Senate