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STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE JOINT
RESOLUTION NO. 1053 By: Gray

AS INTRODUCED

A Joint Resolution relating to certain rules of the Oklahoma Department of Commerce; disapproving certain rules; 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 determine that a rule is not consistent with legislative intent and disapprove such rule or any portion thereof; and

WHEREAS, state law pursuant to paragraph 1 of subsection D of Section 303 of Title 75 of the Oklahoma Statutes requires agencies to issue a rule impact statement of a proposed rule prior to or within fifteen days after the date of publication of the notice of proposed rule adoption; and

WHEREAS, state law pursuant to subsection E of Section 303 of Title 75 of the Oklahoma Statutes provides that no rule is valid unless adopted in substantial compliance with the provisions of that section; and

WHEREAS, the Oklahoma Department of Commerce failed to comply with the law by issuing rule impact statements beyond the fifteen-day deadline; and

WHEREAS, the Oklahoma Legislature considers the notice requirements of the Administrative Procedures Act (APA) to be the "cornerstone" of the APA in that it is the public policy of the State of Oklahoma that the people are vested with the inherent right to know and be fully informed about their government and that such notice requirements provide the public with necessary information in order to encourage and facilitate an informed citizenry's understanding of the governmental processes and governmental concerns; and

WHEREAS, the following proposed permanent rules by the Oklahoma Department of Commerce do not reflect the intent of the Legislature:

OAC 150:15-3-2, OAC 150:15-3-3, OAC 150:15-5-1 and OAC 150:15-5-5 relating to the Small Cities Community Development Block Grant Program (notice published February 3, 1995; rule impact statement issued March 1, 1995).

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 45TH OKLAHOMA LEGISLATURE:

SECTION 1. The Oklahoma Department of Commerce permanent rules OAC 150:15-3-2, OAC 150:15-3-3, OAC 150:15-5-1 and OAC 150:15-5-5, are hereby disapproved.

SECTION 2. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Director of the Oklahoma Department of Commerce and the Editor of "The Oklahoma Register".

SECTION 3. 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.

45-1-7506 TK