

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE JOINT  
RESOLUTION NO. 1054

By: Gray

AS INTRODUCED

A Joint Resolution relating to certain rules of the Wildlife Conservation Commission; disapproving certain rules; distribution; emergency.

WHEREAS, pursuant to Section 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 Wildlife Conservation Commission 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 permanent rules adopted by the Wildlife Conservation Commission failed to comply with the intent of the Legislature by the failure to timely issue rule impact statements:

1. OAC 800:1-13-1 through OAC 800:1-13-7 relating to hunting and fishing license dealers (notice published January 17, 1995; rule impact statement issued February 6, 1995);

2. OAC 800:15-7-2, OAC 800:15-9-1 through OAC 800:15-9-3.1 and OAC 800:15-9-5 relating to commercial mussel and turtle harvest (notice published December 15, 1994; rule impact statement issued February 6, 1995);

3. OAC 800:25-3-2, OAC 800:25-3-3, OAC 800:25-3-6, OAC 800:25-7-3, OAC 800:25-7-13, OAC 800:25-7-17 through OAC 800:25-7-19, OAC 800:25-7-22, OAC 800:25-7-50, OAC 800:25-7-53, OAC 800:25-7-71, OAC 800:25-7-131.1, OAC 800:25-7-131.2, OAC 800:25-7-136 and OAC 800:25-7-147 relating to hunting Corps of Engineers lands (notice published August 15, 1994; rule impact statement issue date unknown);

4. OAC 800:25-5-1 through OAC 800:25-5-3, OAC 800:25-5-5 through OAC 800:25-5-7, OAC 800:25-5-15, OAC 800:25-5-16, OAC 800:25-5-24 through OAC 800:25-5-29, OAC 800:25-5-34, OAC 800:25-5-35, OAC 800:25-5-51, OAC 800:25-5-62, OAC 800:25-5-66, OAC 800:25-5-88, OAC 800:25-5-97 and OAC 800:25-5-106 relating to waterfowl hunting seasons (notice published August 15, 1994; rule impact statement issued March 7, 1995);

5. OAC 800:25-7-105.5 relating to general hunting seasons (notice published August 15, 1994; rule impact statement issued March 7, 1995); and

6. OAC 800:25-7-40, OAC 800:25-9-2 through OAC 800:25-9-5 and OAC 800:25-35-1 through OAC 800:25-35-8 relating to migratory game birds (notice published August 15, 1994; rule impact statement issued March 7, 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 Wildlife Conservation Commission permanent rules OAC 800:1-13-1 through OAC 800:1-13-7, OAC 800:15-7-2, OAC 800:15-9-1 through OAC 800:15-9-3.1, OAC 800:15-9-5, OAC 800:25-3-2, OAC 800:25-3-3, OAC 800:25-3-6, OAC 800:25-7-3, OAC 800:25-7-13, OAC 800:25-7-17 through OAC 800:25-7-19, OAC 800:25-7-22, OAC 800:25-7-50, OAC 800:25-7-53, OAC 800:25-7-71, OAC 800:25-7-131.1, OAC 800:25-7-131.2, OAC 800:25-7-136, OAC 800:25-7-147, OAC 800:25-5-1 through OAC 800:25-5-3, OAC 800:25-5-5 through OAC 800:25-5-7, OAC 800:25-5-15, OAC 800:25-5-16, OAC 800:25-5-24 through OAC 800:25-5-29, OAC 800:25-5-34, OAC 800:25-5-35, OAC 800:25-5-51, OAC 800:25-5-62, OAC 800:25-5-66, OAC 800:25-5-88, OAC 800:25-5-97, OAC 800:25-5-106, OAC 800:25-7-105.5, OAC 800:25-7-40, OAC 800:25-9-2 through OAC 800:25-9-5 and OAC 800:25-35-1 through OAC 800:25-35-8, are hereby disapproved.

SECTION 2. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Director of Wildlife Conservation 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.

45-1-7523

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