

ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1049

By: Weese, Gray, Adair,
Adkins, Claunch,
Greenwood, Hastings,
Maddux, Paulk, Phillips,
Sullivan (Leonard),
Thornbrugh, Vaughn, Webb
and Roach of the House

and

Leftwich, Long and
Herbert of the Senate

A Joint Resolution relating to rules of the Oklahoma Housing Finance Agency; disapproving proposed permanent rules amending OAC 330:36-1-1, OAC 330:36-1-3.1, OAC 330:36-1-4, OAC 330:36-1-5, OAC 330:36-5-1.1, OAC 330:36-5-2, OAC 330:36-5-3.1, OAC 330:36-5-4.1, OAC 330:36-5-5.1, OAC 330:36-5-6.1, OAC 330:36-5-7.1, OAC 330:36-5-8, OAC 330:36-5-9, OAC 330:36-5-10, OAC 330:36-5-13 and OAC 330:36-7-1, regarding the Low-Income Housing Tax Credit Program; extending effective date of emergency rules amending OAC 330:36-1-4, OAC 330:36-5-1.1, OAC 330:36-5-2, OAC 330:36-5-3.1, OAC 330:36-5-4.1 and OAC 330:36-5-5.1, regarding the Low-Income Housing Tax Credit Program; directing promulgation of permanent 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 designate the method for rule promulgation, amend the implementation of any rule, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or any portion thereof; and

WHEREAS, Section 253 of Title 75 of the Oklahoma Statutes provides that emergency rules in effect on the first day of the session shall be null and void on July 15 immediately following sine

die adjournment of the Legislature unless otherwise specifically provided by the Legislature; and

WHEREAS, the Oklahoma Housing Finance Agency (OHFA) is the entity of state government designated to administer the state's qualified allocation plan in accordance with Section 42 of the Internal Revenue Code of 1986, as amended; and

WHEREAS, on March 7, 1997, OHFA adopted proposed permanent rules amending Title 330, Chapter 36 of the Oklahoma Administrative Code regarding the Low-Income Housing Tax Credit Program, and on March 17, 1997, OHFA submitted proposed permanent rules amending OAC 330:36-1-1, OAC 330:36-1-3.1, OAC 330:36-1-4, OAC 330:36-1-5, OAC 330:36-5-1.1, OAC 330:36-5-2, OAC 330:36-5-3.1, OAC 330:36-5-4.1, OAC 330:36-5-5.1, OAC 330:36-5-6.1, OAC 330:36-5-7.1, OAC 330:36-5-8, OAC 330:36-5-9, OAC 330:36-5-10, OAC 330:36-5-13 and OAC 330:36-7-1, regarding the Low-Income Housing Tax Credit Program to the Legislature for its review; and

WHEREAS, the proposed permanent rules adopted by OHFA on March 7, 1997 and submitted by OHFA to the Legislature on March 17, 1997, create conditions for developers, the public, or other parties which do not reflect the intent of the Legislature; and

WHEREAS, on May 30, 1996, OHFA adopted proposed emergency rules amending Title 330, Chapter 36 of the Oklahoma Administrative Code regarding the Low-Income Housing Tax Credit Program, and on July 1, 1996, the Governor approved the proposed emergency rules amending OAC 330:36-1-4, OAC 330:36-5-1.1, OAC 330:36-5-2, OAC 330:36-5-3.1, OAC 330:36-5-4.1 and OAC 330:36-5-5.1, regarding the Low-Income Housing Tax Credit Program; and

WHEREAS, unless the Legislature specifically provides otherwise, the emergency rules amending OAC 330:36-1-4, OAC 330:36-5-1.1, OAC 330:36-5-2, OAC 330:36-5-3.1, OAC 330:36-5-4.1 and OAC 330:36-5-5.1, regarding the Low-Income Housing Tax Credit Program will be null and void on July 15, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
AND THE SENATE OF THE 1ST SESSION OF THE 46TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves proposed permanent rules amending OAC 330:36-1-1, OAC 330:36-1-3.1, OAC 330:36-1-4, OAC 330:36-1-5, OAC 330:36-5-1.1, OAC 330:36-5-2, OAC 330:36-5-3.1, OAC 330:36-5-4.1, OAC 330:36-5-5.1, OAC 330:36-5-6.1, OAC 330:36-5-7.1, OAC 330:36-5-8, OAC 330:36-5-9, OAC 330:36-5-10, OAC 330:36-5-13 and OAC 330:36-7-1, regarding the Low-Income Housing Tax Credit Program, which were adopted by the Oklahoma Housing Finance Agency on March 7, 1997 and submitted by the Oklahoma Housing Finance Agency to the Legislature on March 17, 1997.

SECTION 2. The Legislature hereby specifically provides that the emergency rules amending OAC 330:36-1-4, OAC 330:36-5-1.1, OAC 330:36-5-2, OAC 330:36-5-3.1, OAC 330:36-5-4.1 and OAC 330:36-5-5.1, which were approved by the Governor on July 1, 1996, regarding the Low-Income Housing Tax Credit Program shall remain in effect through July 14, 1998, unless superceded by the promulgation of permanent rules.

SECTION 3. The Legislature hereby directs the Oklahoma Housing Finance Agency to immediately initiate proceedings for promulgation of permanent rules, consistent with legislative intent, regarding the Low-Income Housing Tax Credit Program.

SECTION 4. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Executive Director of the Oklahoma Housing Finance Agency and the Editor of "The Oklahoma Register".

SECTION 5. 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 15th day of May, 1997.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1997.

President of the Senate