

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE JOINT
RESOLUTION NO. 1043

By: Webb

AS INTRODUCED

A Joint Resolution relating to certain rule of the Department of Labor regarding Oklahoma Professional Boxing Rules; disapproving permanent rule OAC 380:65-7-1; 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, establish policy and disapprove any rule or any portion thereof; and

WHEREAS, Section 253 of Title 75 of the Oklahoma Statutes requires agencies to submit emergency rules to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate within ten (10) days after the rule is adopted; and

WHEREAS, Section 253 of Title 75 of the Oklahoma Statutes requires agencies to submit a rule impact statement of a proposed rule to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate within ten (10) days after the rule is adopted; and

WHEREAS, the Department of Labor adopted the emergency rule revocation of OAC 380:65-7-1 on December 23, 1996, and the Governor approved the emergency rule revocation on January 13, 1997,

regarding Oklahoma Professional Boxing Rules relating to semi-professional elimination contests; and

WHEREAS, the Department of Labor failed to comply with the law by failing to submit the emergency rule revocation and the rule impact statement for the emergency rule revocation of OAC 380:65-7-1 to the Speaker of the House of Representatives; and

WHEREAS, the Legislature recognizes that in order for promulgated rules to be valid and enforceable, the agency must comply with the provisions of the Administrative Procedures Act throughout the rulemaking process, without exception; and

WHEREAS, the Legislature recognizes that the emergency rule revocation of OAC 380:65-7-1 is not valid and enforceable and that permanent rule OAC 380:65-7-1 is still in effect; and

WHEREAS, the Legislature recognizes that permanent rule OAC 380:65-7-1 is an imminent harm to the health, safety and welfare of the public and is not consistent with legislative intent.

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 permanent rule OAC 380:65-7-1, regarding Oklahoma Professional Boxing Rules relating to semi-professional elimination contests.

SECTION 2. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Labor Commissioner 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.

46-1-6562

TK