

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE JOINT
RESOLUTION NO. 1044

By: Webb

AS INTRODUCED

A Joint Resolution disapproving proposed permanent rule revocations of OAC 365:15-5-1 and OAC 365:15-5-2, adopted by the Oklahoma Insurance Department regarding property and casualty 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, establish policy and disapprove any rule or any portion thereof; and

WHEREAS, on February 28, 1997, the Oklahoma Insurance Department adopted proposed permanent rule revocations of OAC 365:15-5-1 and OAC 365:15-5-2, regarding property and casualty rules relating to liability reports, and on March 5, 1997, the Oklahoma Insurance Department submitted proposed permanent rule revocations of OAC 365:15-5-1 and OAC 365:15-5-2, regarding property and casualty rules relating to liability reports to the Legislature for its review; and

WHEREAS, Section 310.1 of Title 36 of the Oklahoma Statutes provides that the Insurance Commissioner shall promulgate rules requiring the ten (10) largest insurers in Oklahoma to record and report their Oklahoma state loss and expense experiences and other data, based upon direct written premiums in the state, in several categories; and

WHEREAS, Section 310.2 of Title 36 of the Oklahoma Statutes provides that the Insurance Commissioner shall promulgate rules requiring the fifty (50) largest property and casualty insurers, based on direct written premiums in Oklahoma, who are authorized to write liability insurance, including professional liability insurance, to report certain information; and

WHEREAS, permanent rules OAC 365:15-5-1 and OAC 365:15-5-2 implement the provisions of Sections 310.1 and 310.2 of Title 36 of the Oklahoma Statutes; and

WHEREAS, the Agency Rule Report prepared by the Oklahoma Insurance Department and submitted to the Legislature with the proposed permanent rule revocations of OAC 365:15-5-1 and OAC 365:15-5-2 on March 5, 1997 states in its summary of the rules and explanation of need that the Oklahoma Insurance Department is currently seeking the revocation of Sections 310.1 and 310.2 of Title 36 of the Oklahoma Statutes which provide the statutory authority for permanent rules OAC 365:15-5-1 and OAC 365:15-5-2; and

WHEREAS, the Legislature recognizes that the adoption of the permanent rule revocations of OAC 365:15-5-1 and OAC 365:15-5-2 regarding property and casualty rules relating to liability reports by the Oklahoma Insurance Department is premature and is without proper basis or grounds and that until the proposed legislation becomes law revoking Sections 310.1 and 310.2 of Title 36 of the Oklahoma Statutes, the rules mandated by the law must remain in effect.

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 rule revocations of OAC 365:15-5-1 and OAC 365:15-5-2, regarding property and casualty rules relating to liability reports which were adopted by the Oklahoma Insurance Department on February

28, 1997 and submitted by the Oklahoma Insurance Department to the Legislature on March 5, 1997.

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

46-1-7208

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