

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE JOINT  
RESOLUTION NO. 1050

By: Webb

AS INTRODUCED

A Joint Resolution relating to emergency rules of the Oklahoma State Employees Benefits Council; disapproving emergency rules OAC 87:1-3-12, OAC 87:1-3-13 and emergency rule amendments to OAC 87:10-17-4, regarding administrative operations and flexible benefits plan; 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 Oklahoma State Employees Benefits Council adopted emergency rules OAC 87:1-3-12, OAC 87:1-3-13 and emergency rule amendments to OAC 87:10-17-4 on February 25, 1997, and the Governor

approved the rules on April 7, 1997, regarding administrative operations and flexible benefits plan, relating to location for information and for filing, documents and records and changes to benefit elections; and

WHEREAS, the Oklahoma State Employees Benefits Council did not submit emergency rules OAC 87:1-3-12, OAC 87:1-3-13 and emergency rule amendments to OAC 87:10-17-4 and the appropriate rule impact statements 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 substantially comply with the provisions of the Administrative Procedures Act throughout the rulemaking process, without exception; and

WHEREAS, the Legislature recognizes that emergency rules OAC 87:1-3-12, OAC 87:1-3-13 and emergency rule amendments to OAC 87:10-17-4 may not be valid and enforceable.

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 the amendments to emergency rules OAC 87:1-3-12, OAC 87:1-3-13 and emergency rule amendments to OAC 87:10-17-4.

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.

46-1-7702

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