

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE JOINT
RESOLUTION NO. 1051

By: Phillips

AS INTRODUCED

A Joint Resolution relating to rules of the Department of Central Services; disapproving emergency rule amendments to OAC 580:25-1-3, OAC 580:25-9-1, OAC 580:25-11-2 and OAC 580:25-11-3 regarding the risk management program; disapproving permanent rules OAC 580:20-13-5(b) (23) and OAC 580:20-13-5.1(b) (17) regarding leasing and space standards; 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, determine that a rule is not consistent with legislative intent and disapprove any rule or any portion thereof at any time; 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 Central Services adopted emergency rule amendments to OAC 580:25-1-3, OAC 580:25-9-1, OAC 580:25-11-2

and OAC 580:25-11-3 on April 1, 1997, and the Governor approved the rules on May 6, 1997, regarding the risk management program, relating to source of authority, driver and vehicle safety standards for motor vehicle operations, basic coverage and claims payment; and

WHEREAS, the Department of Central Services did not submit emergency rule amendments to OAC 580:25-1-3, OAC 580:25-9-1, OAC 580:25-11-2 and OAC 580:25-11-3 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 the emergency rule amendments to OAC 580:25-1-3, OAC 580:25-9-1, OAC 580:25-11-2 and OAC 580:25-11-3 may not be valid and enforceable; and

WHEREAS, permanent rules OAC 580:20-13-5(b) (23) and OAC 580:20-13-5.1(b) (17) regarding leasing and space standards, relating to leasing of non-state-owned property and lease documents for non-state-owned space, provide that the Standard Lease Agreement and Renewal Agreement must allow the agency (lessee) the right to terminate the lease with thirty (30) days written notification to the lessor; and

WHEREAS, permanent rules OAC 580:20-13-5(b) (23) and OAC 580:20-13-5.1(b) (17) do not reflect the intent of the Legislature.

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 emergency rule amendments to OAC 580:25-1-3, OAC 580:25-9-1, OAC 580:25-11-2 and OAC 580:25-11-3.

SECTION 2. The Legislature hereby disapproves permanent rules OAC 580:20-13-5(b) (23) and OAC 580:20-13-5.1(b) (17).

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Director of the Department of Central Services and the Editor of "The Oklahoma Register".

SECTION 4. 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.

46-1-7730

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