

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE JOINT
RESOLUTION NO. 1052

By: Gray

AS INTRODUCED

A Joint Resolution relating to rules of the Department of Mental Health and Substance Abuse Services; disapproving amendments to emergency and adopted permanent rule OAC 450:21-1-5(g) regarding certification of alcohol and drug substance abuse courses, organizations and instructors; 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, the Department of Mental Health and Substance Abuse Services adopted amendments to emergency rule OAC 450:21-1-5(g) on November 8, 1996, and the Governor approved the rule on December 24, 1996, regarding certification of alcohol and drug substance abuse courses, organizations and instructors relating to compliance with laws, rules; and

WHEREAS, the Department of Mental Health and Substance Abuse Services adopted amendments to permanent rule OAC 450:21-1-5(g) on February 14, 1997, regarding certification of alcohol and drug substance abuse courses, organizations and instructors relating to compliance with laws, rules; and

WHEREAS, pursuant to Section 3-453 of Title 43A of the Oklahoma Statutes, the Department of Mental Health and Substance Abuse

Services is authorized to charge an enrollment fee for alcohol and drug substance abuse courses of not less than Sixty-five Dollars (\$65.00) and not more than Two Hundred Fifty Dollars (\$250.00) for a second or subsequent offense; and

WHEREAS, the amendments to emergency and permanent rule OAC 450:21-1-5(g) increase the enrollment fee for alcohol and drug substance abuse courses for a second or subsequent offense from Eighty-five Dollars (\$85.00) to Two Hundred Fifty Dollars (\$250.00); and

WHEREAS, the Legislature strongly opposes fee increases and considers a fee increase from Eighty-five Dollars (\$85.00) to Two Hundred Fifty Dollars (\$250.00) excessive.

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 rule OAC 450:21-1-5(g).

SECTION 2. The Legislature hereby disapproves the amendments to adopted permanent rule OAC 450:21-1-5(g).

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Commissioner of the Department of Mental Health and Substance Abuse 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.

46-1-7744

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