

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE JOINT  
RESOLUTION NO. 1055

By: Gray

AS INTRODUCED

A Joint Resolution relating to rules of the Department of Human Services, the Office of Juvenile Affairs and the Oklahoma Department of Libraries; disapproving permanent rules OAC 340:2-31-55(a)(2), OAC 377:10-1-11(e)(2) and OAC 405:35-1-2(j) regarding search fees; directing adoption and promulgation of certain rules; expressing legislative intent; 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, pursuant to Section 24A.5 of Title 51 of the Oklahoma Statutes, a public body may charge a reasonable fee to recover the direct cost of a document search if the request is solely for commercial purpose, or would clearly cause excessive disruption of the public body's essential functions; and

WHEREAS, permanent rule OAC 340:2-31-55(a)(2) of the Department of Human Services establishes a search fee of Twenty-five Dollars (\$25.00) per hour; and

WHEREAS, permanent rule OAC 377:10-1-11(e)(2) of the Office of Juvenile Affairs establishes a search fee of Twenty-five Dollars (\$25.00) per hour; and

WHEREAS, permanent rule OAC 405:35-1-2(j) of the Oklahoma Department of Libraries establishes a search fee of Fifteen Dollars (\$15.00) per hour; and

WHEREAS, the Legislature believes that a reasonable search fee established pursuant to Section 24A.5 of Title 51 of the Oklahoma Statutes should be no more than Seven Dollars and fifty cents (\$7.50) per hour.

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 rules OAC 340:2-31-55(a)(2), OAC 377:10-1-11(e)(2) and OAC 405:35-1-2(j).

SECTION 2. The Legislature hereby directs and authorizes, in accordance with subsection H of Section 308 of Title 75 of the Oklahoma Statutes, the Department of Human Services, the Office of Juvenile Affairs and the Oklahoma Department of Libraries to adopt and promulgate rules which establish reasonable search fees pursuant to Section 24A.5 of Title 51 of the Oklahoma Statutes that are no more than Seven Dollars and fifty cents (\$7.50), in order to be consistent with legislative intent.

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

46-1-7743

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