

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE JOINT  
RESOLUTION NO. 1105

By: Matlock

AS INTRODUCED

A Joint Resolution relating to proposed permanent rules of the State Department of Agriculture; disapproving proposed permanent rules OAC 35:17-5-3(f), OAC 35:17-5-5(a)(3)(A), OAC 35:17-5-5(a)(3)(B), OAC 35:17-5-5(d), OAC 35:17-5-6, OAC 35:17-5-7(a)(1), (2) and (4), regarding water quality; 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 inconsistent with legislative intent and disapprove any rule or any portion thereof; and

WHEREAS, on March 17, 1998, the State Department of Agriculture adopted proposed permanent rules OAC 35:17-5-1 through OAC 35:17-5-11, regarding water quality, relating to commercial poultry operations, and on March 24, 1998, the agency submitted the proposed permanent rules to the Legislature for its review; and

WHEREAS, proposed permanent rules OAC 35:17-5-3(f), OAC 35:17-5-5(a)(3)(A), OAC 35:17-5-5(a)(3)(B), OAC 35:17-5-5(d), OAC 35:17-5-6, OAC 35:17-5-7(a)(1), (2) and (4), are inconsistent with legislative intent.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 46TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves proposed permanent rules OAC 35:17-5-3(f), OAC 35:17-5-5(a)(3)(A), OAC 35:17-5-5(a)(3)(B), OAC 35:17-5-5(d), OAC 35:17-5-6, OAC 35:17-5-7(a)(1), (2) and (4).

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

46-2-9994

TK