

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE JOINT  
RESOLUTION NO. 1116

By: Webb and Gray

AS INTRODUCED

A Joint Resolution relating to a rule of the Board of Chiropractic Examiners; disapproving adopted permanent rule OAC 140:1-3-6(d), regarding search fees; directing adoption and promulgation of certain rule; 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, adopted permanent rule OAC 140:1-3-6(d) of the Board of Chiropractic Examiners provides for a search fee, but does not indicate the amount; and

WHEREAS, the Legislature believes that search fees should be provided for in agency rules and 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 or the hourly salary of the lowest paid employee capable of performing the search.

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 adopted permanent rule OAC 140:1-3-6(d).

SECTION 2. The Legislature hereby directs and authorizes, in accordance with subsection H of Section 308 of Title 75 of the Oklahoma Statutes, the Board of Chiropractic Examiners to adopt and promulgate an emergency rule which establishes 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) or the hourly salary of the lowest paid employee capable of performing the search, 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 Administrative Assistant of the Board of Chiropractic Examiners 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.

46-2-11571           TK