

ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1024

By: Ostrander and Gilbert of
the House

and

Long of the Senate

A Joint Resolution relating to a proposed permanent rule and an emergency rule of the Department of Labor; disapproving proposed permanent rule OAC 380:40-1-2(a)(5) and emergency rule OAC 380:40-1-2(a)(5), regarding Oklahoma Occupational Health and Safety Standards Act Rules; 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, on October 6, 1998, the Governor approved emergency rule OAC 380:40-1-2(a)(5), regarding Oklahoma Occupational Health and Safety Standards Act Rules, relating to applicable national standards; and

WHEREAS, on February 22, 1999, the Department of Labor adopted proposed permanent rule OAC 380:40-1-2(a)(5), regarding Oklahoma Occupational Health and Safety Standards Act Rules, relating to applicable national standards, and on February 24, 1999, the agency submitted the rule to the Legislature for its review; and

WHEREAS, the Legislature recognizes that proposed permanent rule OAC 380:40-1-2(a)(5) and emergency rule OAC 380:40-1-2(a)(5) are not consistent with legislative intent.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
AND THE SENATE OF THE 1ST SESSION OF THE 47TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves proposed permanent rule OAC 380:40-1-2(a) (5) and emergency rule OAC 380:40-1-2(a) (5), regarding the Oklahoma Occupational Health and Safety Standards Act Rules.

SECTION 2. The Legislature hereby directs and authorizes, in accordance with subsection C of Section 308 of Title 75 of the Oklahoma Statutes, the Department of Labor to adopt and promulgate an emergency rule to be effective no later than July 1, 1999, which provides for mutual aid agreements and ensures compliance with paragraph 4 of subsection g of Section 1910.134 of Title 29 of the Code of Federal Regulations, in order to be consistent with legislative intent.

SECTION 3. The Legislature hereby finds that desirable language to be included as OAC 380:40-1-2(a) (5) would read as follows:

(5) For purposes of compliance with 29 CFR 1910.134(g) (4), it is permissible for the employer to enlist the aid of firefighters from other municipal jurisdictions, or political subdivisions, in order to ensure that enough personnel are present at the site to fulfill the requirements of the "two in, two out" rule. The employer must ensure that the firefighters from other municipal jurisdictions, or political subdivisions, are in compliance with 29 CFR 1910.134(g) (4).

SECTION 4. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Commissioner of Labor and the Editor of "The Oklahoma Register".

SECTION 5. 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 resolution shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 25th day of May, 1999.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1999.

President of the Senate