

ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1028

By: Sweeden, Gray and Webb of
the House

and

Shurden of the Senate

A Joint Resolution relating to a permanent rule of the Department of Human Services; disapproving permanent rule OAC 340:2-21-16(a)(1)(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 search 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 340:2-21-16(a)(1)(D) provides for a twenty-five-dollar per hour search fee; and

WHEREAS, the Legislature believes that a reasonable hourly search fee established pursuant to Section 24A.5 of Title 51 of the Oklahoma Statutes should be 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 1ST SESSION OF THE 47TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves permanent rule OAC 340:2-21-16(a) (1) (D).

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 Human Services to adopt and promulgate an emergency rule which establishes reasonable hourly search fees pursuant to Section 24A.5 of Title 51 of the Oklahoma Statutes that are no more than 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 Director of the Department of Human 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 resolution shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 20th day of May, 1999.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1999.

President of the Senate