

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE JOINT
RESOLUTION HJR1059

By: Gray

AS INTRODUCED

A Joint Resolution relating to promulgated rules and amendments to rules of the Oklahoma State Department of Health; disapproving finally adopted amendments to permanent rules OAC 310:638-1-2, OAC 310:638-1-3, OAC 310:638-1-4, OAC 310:638-1-5, OAC 310:638-1-6, OAC 310:638-1-7, OAC 310:638-1-8, OAC 310:638-1-10, OAC 310:638-3-1, OAC 310:638-3-3, OAC 310:638-3-6, OAC 310:638-5-3, OAC 310:638-5-4, OAC 310:638-5-6, OAC 310:638-5-9 and OAC 310:638-5-10, and finally adopted permanent rules OAC 310:638-1-5.1, OAC 310:638-1-6.1, OAC 310:638-1-7.1 and OAC 310:638-1-8.1, relating to drug and alcohol testing; providing for 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 May 15, 2000, the Oklahoma State Department of Health finally adopted amendments to permanent rules OAC 310:638-1-2, OAC 310:638-1-3, OAC 310:638-1-4, OAC 310:638-1-5, OAC 310:638-1-6, OAC 310:638-1-7, OAC 310:638-1-8, OAC 310:638-1-10, OAC 310:638-3-1, OAC 310:638-3-3, OAC 310:638-3-6, OAC 310:638-5-3, OAC 310:638-5-4, OAC 310:638-5-6, OAC 310:638-5-9 and OAC 310:638-5-10, and finally adopted permanent rules OAC 310:638-1-5.1, OAC 310:638-1-6.1, OAC 310:638-1-7.1 and OAC 310:638-1-8.1, relating to drug and alcohol testing of urine and hair; and

WHEREAS, the Legislature recognizes that the finally adopted amendments to permanent rules and finally adopted permanent rules are not consistent with legislative intent.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
AND THE SENATE OF THE 2ND SESSION OF THE 47TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves finally adopted amendments to permanent rules OAC 310:638-1-2, OAC 310:638-1-3, OAC 310:638-1-4, OAC 310:638-1-5, OAC 310:638-1-6, OAC 310:638-1-7, OAC 310:638-1-8, OAC 310:638-1-10, OAC 310:638-3-1, OAC 310:638-3-3, OAC 310:638-3-6, OAC 310:638-5-3, OAC 310:638-5-4, OAC 310:638-5-6, OAC 310:638-5-9 and OAC 310:638-5-10, and finally adopted permanent rules OAC 310:638-1-5.1, OAC 310:638-1-6.1, OAC 310:638-1-7.1 and OAC 310:638-1-8.1.

SECTION 2. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the members of the Oklahoma State Board of Health, 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 resolution shall take effect and be in full force from and after its passage and approval.

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