

ENGROSSED HOUSE  
JOINT  
RESOLUTION NO. 1033

By: Sweeden of the House

and

Shurden of the Senate

A Joint Resolution relating to a finally adopted permanent rule of the State Department of Health; disapproving finally adopted permanent rule OAC 310:2-3-5(h) (1) (D), which relates to fees for copies; declaring 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, the State Department of Health, a public body, may charge a fee only for recovery of the reasonable, direct costs of document copying or mechanical reproduction not to exceed twenty-five cents (\$0.25) per page for documents having the dimensions of eight and one-half (8 1/2) by fourteen (14) inches or smaller; and

WHEREAS, finally adopted permanent rule OAC 310:2-3-5(h) (1) (D) establishes a fifty-cents-per-page fee for copies of pages larger than eight and one-half (8 1/2) by fourteen (14) inches; and

WHEREAS, the fee exceeds the reasonable, direct cost of document copying or mechanical reproduction; and

WHEREAS, the Legislature recognizes that finally adopted permanent rule OAC 310:2-3-5(h) (1) (D), adopted by the State Board of Health on September 19, 2002, submitted to the Governor and the

Legislature for consideration on September 27, 2002, and approved by the Governor on October 29, 2002, is inconsistent with legislative intent, violates state statute and violates the public policy of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 49TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves finally adopted permanent rule OAC 310:2-3-5(h) (1) (D).

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 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 act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 27th day of May, 2003.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2003.

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Presiding Officer of the Senate