

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE CONCURRENT

RESOLUTION HCR1086:

Braddock

AS INTRODUCED

A Concurrent Resolution relating to emergency rules of the Oklahoma Strategic Military Planning Commission; allowing emergency rules OAC 457:10-1-1, OAC 457:10-1-2, OAC 457:10-1-3, OAC 457:10-1-4, OAC 457:10-1-5, OAC 457:10-1-6, OAC 457:10-1-7 and OAC 457:10-1-8 to be readopted as emergency rules; stating legislative intent; directing the Oklahoma Strategic Military Planning Commission to publish notice of rulemaking intent in "The Oklahoma Register" to begin the permanent rulemaking process; and directing distribution.

WHEREAS, pursuant to Section 253 of Title 75 of the Oklahoma Statutes, emergency rules in effect on the first day of the session shall be null and void on July 15 immediately following sine die adjournment of the Legislature; and

WHEREAS, pursuant to Section 253 of Title 75 of the Oklahoma Statutes, an agency shall not adopt any emergency rule which has become null and void as a new emergency rule unless authorized by the Legislature; and

WHEREAS, on August 28, 2003, the Oklahoma Strategic Military Planning Commission adopted proposed emergency rules OAC 457:10-1-1, OAC 457:10-1-2, OAC 457:10-1-3, OAC 457:10-1-4, OAC 457:10-1-5, OAC 457:10-1-6, OAC 457:10-1-7 and OAC 457:10-1-8 which were approved and became effective with the Governor's approval of October 8, 2003; and

WHEREAS, emergency rules OAC 457:10-1-1, OAC 457:10-1-2, OAC 457:10-1-3, OAC 457:10-1-4, OAC 457:10-1-5, OAC 457:10-1-6, OAC 457:10-1-7 and OAC 457:10-1-8, which were in effect on the first day

of the 2nd Session of the 49th Legislature, would become null and void July 15, 2004, immediately following sine die adjournment of the 2nd Session of the 49th Oklahoma Legislature; and

WHEREAS, the Legislature recognizes the substantive value and importance of such emergency rules, and the need to have administrative rules governing the operation of the Oklahoma Strategic Military Planning Commission and the distribution of funds from the Oklahoma Strategic Military Planning Commission Incentive Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 49TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

THAT the Legislature hereby authorizes the Oklahoma Strategic Military Planning Commission to adopt emergency rules identical to or similar in scope to OAC 457:10-1-1, OAC 457:10-1-2, OAC 457:10-1-3, OAC 457:10-1-4, OAC 457:10-1-5, OAC 457:10-1-6, OAC 457:10-1-7 and OAC 457:10-1-8.

THAT the Legislature hereby states that any emergency rules adopted to replace the expiring emergency rules OAC 457:10-1-1, OAC 457:10-1-2, OAC 457:10-1-3, OAC 457:10-1-4, OAC 457:10-1-5, OAC 457:10-1-6, OAC 457:10-1-7 and OAC 457:10-1-8 shall only be effective through July 14, 2005.

THAT the Legislature hereby states that emergency rules OAC 457:10-1-1, OAC 457:10-1-2, OAC 457:10-1-3, OAC 457:10-1-4, OAC 457:10-1-5, OAC 457:10-1-6, OAC 457:10-1-7 and OAC 457:10-1-8 are important to the continued operation of the Oklahoma Strategic Military Planning Commission and the fulfillment of its duties.

THAT the Legislature hereby finds that emergency rules OAC 457:10-1-1, OAC 457:10-1-2, OAC 457:10-1-3, OAC 457:10-1-4, OAC 457:10-1-5, OAC 457:10-1-6, OAC 457:10-1-7 and OAC 457:10-1-8 are of a continuing nature, and therefore directs the Oklahoma Strategic Military Planning Commission to publish Notice of Rulemaking Intent

in "The Oklahoma Register" to begin the permanent rulemaking process for such rules by August 15, 2004.

THAT copies of this resolution shall be distributed to the Governor, the members of the Oklahoma Strategic Military Planning Commission and the Editor of "The Oklahoma Register".

49-2-9177          EAP          05/18/04