

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE JOINT
RESOLUTION HJR1034

By: Sweeden

AS INTRODUCED

A Joint Resolution relating to a proposed emergency rule of the State Department of Education; disapproving proposed emergency rule OAC 210:20-9-99, which relates to National Board certification of teachers; 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 the provisions of Section 253 of Title 75 of the Oklahoma Statutes, an agency may promulgate an emergency rule only upon an agency finding that an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule, amendment, revision, or revocation of an existing rule; and

WHEREAS, proposed emergency rule OAC 210:20-9-99 clarifies a definition regarding National Board certification of teachers; and

WHEREAS, the Legislature recognizes that proposed emergency rule OAC 210:20-9-99, adopted by the State Board of Education on March 13, 2003, submitted to the Governor and the Legislature for consideration on March 20, 2003, is inconsistent with legislative intent, violates state statute, violates the public policy of this state and is not required to be promulgated as an emergency rule.

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 emergency rule
OAC 210:20-9-99.

SECTION 2. The Secretary of State is hereby directed to
distribute copies of this resolution to the Governor, the State
Superintendent of Public Instruction, 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.

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