

THE HOUSE OF REPRESENTATIVES
Friday, May 21, 2010

House Joint
Resolution No. 1089

HJR 1089

HOUSE JOINT RESOLUTION NO. 1089 - By: ENNS of the House.

A Joint Resolution disapproving permanent rules of the Oklahoma Department of Public Safety; and directing distribution.

1 WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma
2 Statutes, the Legislature reserved the right to designate the method for rule
3 promulgation, establish policy, determine that a rule is not consistent with legislative
4 intent and disapprove any rule or portion thereof at any time; and

5 WHEREAS, pursuant to Section 230.4 of Title 47 of the Oklahoma Statutes, the
6 Commissioner of the Department of Public Safety shall be responsible for adopting and
7 promulgating rules and regulations in order to carry out the provisions of the Oklahoma
8 Motor Carrier Safety and Hazardous Materials Transportation Act relating to motor
9 carrier safety in the transportation of property and hazardous materials in intrastate
10 and interstate commerce, and for adopting by reference and enforcing all or any portion
11 of the federal motor carrier safety regulations and the hazardous materials regulations of
12 the United States Department of Transportation, as now or hereafter amended; and

1 WHEREAS, the promulgation of permanent rules OAC 595:35-1-4 and OAC 595:35-
2 1-6, which were finally adopted by the Commissioner on March 31, 2010, do not reflect
3 the intent of the Oklahoma Legislature.

4 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
5 REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 52ND
6 OKLAHOMA LEGISLATURE:

7 SECTION 1. The Legislature hereby disapproves permanent rules OAC 595:35-1-4
8 and OAC 595:35-1-6.

9 SECTION 2. The Secretary of State is directed to distribute copies of this
10 resolution to the Governor, the Commissioner of the Department of Public Safety, and
11 the editor of "The Oklahoma Register".

12 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES AND
13 AGENCY OVERSIGHT, dated 05-20-10 - DO PASS.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.