

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE JOINT
4 RESOLUTION 1089

By: Enns

5
6 AS INTRODUCED

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

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

16 WHEREAS, pursuant to Section 230.4 of Title 47 of the Oklahoma
17 Statutes, the Commissioner of the Department of Public Safety shall
18 be responsible for adopting and promulgating rules and regulations
19 in order to carry out the provisions of the Oklahoma Motor Carrier
20 Safety and Hazardous Materials Transportation Act relating to motor
21 carrier safety in the transportation of property and hazardous
22 materials in intrastate and interstate commerce, and for adopting by
23 reference and enforcing all or any portion of the federal motor
24 carrier safety regulations and the hazardous materials regulations

1 of the United States Department of Transportation, as now or
2 hereafter amended; and

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

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

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

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

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