

1 ENGROSSED SENATE  
JOINT  
2 RESOLUTION NO. 45

By: Newberry of the Senate

3 and

4 Sullivan of the House  
5  
6

7 A Joint Resolution relating to the Construction  
Industries Board; disapproving emergency rules which  
8 relate to the Roofing Contractor Registration Act;  
directing distribution; and declaring an emergency.  
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10  
11 WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the  
12 Oklahoma Statutes, the Legislature reserves the right to delegate to  
13 or retract rulemaking authority from an agency, to establish general  
14 policy by legislation, and to disapprove rules during the  
15 legislative review period independent of any action by the Governor;  
16 and

17 WHEREAS, the Legislature did not delegate to the Construction  
18 Industries Board any rulemaking authority in Senate Bill No. 2180 of  
19 the 2nd Session of the 52nd Oklahoma Legislature, designated as the  
20 "Roofing Contractor Registration Act", which became effective  
21 November 1, 2010; and

22 WHEREAS, the Construction Industries Board proposed emergency  
23 rules for the Roofing Contractor Registration Act which were signed  
24 by the Governor on November 15, 2010, and are now in effect as OAC

1 158:80-1-1, OAC 158:80-1-2, OAC 158:80-3-1 through 158:80-3-6, OAC  
2 158:80-5-1 through 158:80-5-8, OAC 158:80-7-1 through 158:80-7-3,  
3 OAC 158:80-9-1, OAC 158:80-11-1 through 158:80-11-4, OAC 158:80-13-1  
4 and OAC 158:80-13-2; and

5 WHEREAS, all adopted emergency rules pertaining to the Roofing  
6 Contractor Registration Act are now subject to the legislative  
7 review period and may be disapproved by the Legislature; and

8 WHEREAS, without statutory rulemaking authority delegated by the  
9 Legislature, the Construction Industries Board is without rulemaking  
10 authority over the Roofing Contractor Registration Act and such  
11 rules are deemed not consistent with legislative intent.

12 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF  
13 REPRESENTATIVES OF THE 1ST SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

14 SECTION 1. The Legislature hereby disapproves emergency rules  
15 OAC 158:80-1-1, OAC 158:80-1-2, OAC 158:80-3-1 through 158:80-3-6,  
16 OAC 158:80-5-1 through 158:80-5-8, OAC 158:80-7-1 through 158:80-7-  
17 3, OAC 158:80-9-1, OAC 158:80-11-1 through 158:80-11-4, OAC 158:80-  
18 13-1 and OAC 158:80-13-2, which relate to the Roofing Contractor  
19 Registration Act.

20 SECTION 2. The Secretary of State is hereby directed to  
21 distribute copies of this resolution to the Governor, the  
22 Administrator of the Construction Industries Board, and the Editor  
23 of "The Oklahoma Register".

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