

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE JOINT
4 RESOLUTION 45

By: Newberry of the Senate

5 and

6 Sullivan of the House

7
8 AS INTRODUCED

9 A Joint Resolution relating to the Construction
10 Industries Board; disapproving emergency rules which
11 relate to the Roofing Contractor Registration Act;
12 directing distribution; and declaring an emergency.

13 WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the
14 Oklahoma Statutes, the Legislature reserves the right to delegate to
15 or retract rulemaking authority from an agency, to establish general
16 policy by legislation, and to disapprove rules during the
17 legislative review period independent of any action by the Governor;
18 and

19 WHEREAS, the Legislature did not delegate to the Construction
20 Industries Board any rulemaking authority in Senate Bill No. 2180 of
21 the 2nd Session of the 52nd Oklahoma Legislature, designated as the
22 "Roofing Contractor Registration Act", which became effective
23 November 1, 2010; and
24

1 WHEREAS, the Construction Industries Board proposed emergency
2 rules for the Roofing Contractor Registration Act which were signed
3 by the Governor on November 15, 2010, and are now in effect as OAC
4 158:80-1-1, OAC 158:80-1-2, OAC 158:80-3-1 through 158:80-3-6, OAC
5 158:80-5-1 through 158:80-5-8, OAC 158:80-7-1 through 158:80-7-3,
6 OAC 158:80-9-1, OAC 158:80-11-1 through 158:80-11-4, OAC 158:80-13-1
7 and OAC 158:80-13-2; and

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

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

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

17 SECTION 1. The Legislature hereby disapproves emergency rules
18 OAC 158:80-1-1, OAC 158:80-1-2, OAC 158:80-3-1 through 158:80-3-6,
19 OAC 158:80-5-1 through 158:80-5-8, OAC 158:80-7-1 through 158:80-7-
20 3, OAC 158:80-9-1, OAC 158:80-11-1 through 158:80-11-4, OAC 158:80-
21 13-1 and OAC 158:80-13-2, which relate to the Roofing Contractor
22 Registration Act.

23 SECTION 2. The Secretary of State is hereby directed to
24 distribute copies of this resolution to the Governor, the

1 Administrator of the Construction Industries Board, and the Editor
2 of "The Oklahoma Register".

3 SECTION 3. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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