

ENROLLED SENATE  
JOINT  
RESOLUTION NO. 45

By: Newberry of the Senate

and

Sullivan of the House

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

SUBJECT: Construction Industries Board Rules

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

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

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

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

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

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

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

SECTION 2. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Administrator of the Construction Industries Board, 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.

Passed the Senate the 16th day of March, 2011.

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Presiding Officer of the Senate

Passed the House of Representatives the 21st day of March, 2011.

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Presiding Officer of the House  
of Representatives