Resolution

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1089

By: Enns, Dorman, Hickman, Hilliard, Cannaday and Walker of the House

and

Justice of the Senate

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

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

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

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

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

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

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

Passed the House of Representatives the 24th day of May, 2010.

Presiding Officer of the House of Representatives

Passed the Senate the 27th day of May, 2010.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 28th

day of May, 20 10,

at 11:27 **o'clock** A **M.**

By:

Approved by the Governor of the State of Oklahoma the 7th **day of**

June, 20 10, **at** 6:55 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

8th **day of** June, 20 10,

at 4:38 **o'clock** P. **M.**

By: M. Susan Craig