

ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1044

By: Bryant, Breckinridge and
Gray of the House

and

Rubottom of the Senate

A Joint Resolution disapproving certain emergency rule proposed by the Commission for Human Services regarding drop-in day care facilities; providing for enforcement of existing policy on drop-in day care facilities within limits specified by resolution; and declaring an emergency.

WHEREAS, pursuant to Section 250.2 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to disapprove any rule, at any time, upon a determination that a rule is not consistent with legislative intent. The Legislature also reserves the right to establish policy and the right to designate the method for rule promulgation; and

WHEREAS, the Commission for Human Services first adopted emergency rules OAC 340:110-3, Part 1, on October 4, 1994, regarding the regulation of child care facilities generally and containing a definition of drop-in child care facilities specifically; and

WHEREAS, those rules, OAC 340:110-3, Part 1, were not approved by the Governor; and

WHEREAS, drop-in child care facilities should be subject to less restrictive regulations regarding the provision of out-door play areas and other services, because they are intended to serve the growing need for regulated, shorter-term and shorter-notice child care; and

WHEREAS, the Commission for Human Services adopted emergency rule OAC 340:110-3-33.1(a) on January 25, 1995, which defines a "drop-in center" in exactly the same manner as the rule which was not approved in November 1994; and

WHEREAS, the definition of "drop-in center", as proposed in rule OAC 240:110-3-33.1(a), is inconsistent with legislative intent, because it does not adequately protect children by placing a maximum cap on the number of hours which any given child may be placed in a drop-in child care facility in one day; and

WHEREAS, the Legislature finds the definition of drop-in center contained in OAC 340:110-3-33.1(a) is unnecessarily restrictive and inconsistent with legislative intent in that its weekly cap of twenty (20) hours per week per child is sufficient neither to meet the needs of the many parents who are employed part-time or engaged in continuing education nor to meet the realistic financial needs of the providers.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 45TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves proposed emergency rule OAC 340:110-3-33.1(a), adopted by the Commission for Human Services on January 25, 1995, regarding drop-in child care centers.

SECTION 2. The Legislature hereby directs the Commission for Human Services to adopt and promulgate replacement rule language defining drop-in child care centers, by emergency rule, as a child care center which provides care for children on a drop-in basis where no child is in attendance for more than twenty-four (24) hours a week, subject to an allowance for six (6) extra emergency hours per child, not to be allowed more than three (3) times in any one (1) year, nor more than six (6) hours a day.

SECTION 3. The Legislature hereby prohibits the Department of Human Services from enforcing the definition of "drop-in center"

contained in rule OAC 340:110-3-33.1(a) but instead directs the Department of Human Services to utilize the definition of "drop-in center" contained in Section 2 of this resolution until new emergency rule language consistent with the definition of "drop-in center" contained herein is promulgated by the Commission for Human Services and has become effective.

SECTION 4. 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 resolution shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 26th day of April, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate