

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE JOINT
RESOLUTION NO. 1118

By: Webb and Gray

AS INTRODUCED

A Joint Resolution relating to a rule of the Department of Human Services; disapproving permanent rule OAC 340:75-15-133(11), regarding the Confidential Intermediary Search Program fees; directing adoption and promulgation of certain rule; expressing legislative intent; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves 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 any portion thereof at any time; and

WHEREAS, pursuant to subsection O of Section 7508-1.3 of Title 10 of the Oklahoma Statutes, the Department of Human Services may charge the person who initiates a search for certain adult members of his or her birth family for the actual expenses incurred in providing the service requested and a reasonable fee for compensation of the confidential intermediary and the administration of the program; and

WHEREAS, permanent rule OAC 340:75-15-133(11) of the Department of Human Services provides for a fee of Twenty Dollars (\$20.00) to register on the mutual consent voluntary register six (6) months prior to application for a search; a fee of Four Hundred Dollars (\$400.00) for all initial searches for any one eligible person; and

a fee of Two Hundred Dollars (\$200.00) for any subsequent searches for eligible persons by the same requester; and

WHEREAS, the Legislature believes that a reasonable fee established pursuant to subsection O of Section 7508-1.3 of Title 10 of the Oklahoma Statutes should be no more than Two Hundred Fifty Dollars (\$250.00) for initial searches and One Hundred Twenty-five Dollars (\$125.00) for any subsequent adoption registry searches.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 46TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves permanent rule OAC 340:75-15-133(11).

SECTION 2. The Legislature hereby directs and authorizes, in accordance with subsection H of Section 308 of Title 75 of the Oklahoma Statutes, the Department of Human Services to adopt and promulgate an emergency rule which establishes reasonable fees pursuant to subsection O of Section 7508-1.3 of Title 10 of the Oklahoma Statutes that are no more than Two Hundred Fifty Dollars (\$250.00) for initial searches and One Hundred Twenty-five Dollars (\$125.00) for subsequent adoption registry searches, in order to be consistent with legislative intent.

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Director of Human Services and the Editor of "The Oklahoma Register".

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 act shall take effect and be in full force from and after its passage and approval.

46-2-11583

TK