

ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1113

By: Webb and Gray of the
House

and

Herbert of the Senate

A Joint Resolution relating to certain rules of the Oklahoma Real Estate Commission; disapproving proposed amendments to permanent rules OAC 605:10-7-2(m), OAC 605:10-7-4(a), OAC 605:10-7-5, OAC 605:10-7-8(a)(6) and (d), OAC 605:10-7-8.1(a)(6) and (d), OAC 605:10-7-8.2(a)(6) and (e), OAC 605:10-9-5, and OAC 605:10-11-2(a), (c) and (g), regarding licensing procedures and options, broker's operational procedures and associate's licensing procedures; directing adoption and promulgation of certain rules; 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 inconsistent with legislative intent and disapprove any rule or any portion thereof at any time; and

WHEREAS, on March 11, 1998, the Oklahoma Real Estate Commission adopted proposed amendments to permanent rules OAC 605:10-7-2(m), OAC 605:10-7-4(a), OAC 605:10-7-5, OAC 605:10-7-8(a)(6) and (d), OAC 605:10-7-8.1(a)(6) and (d), OAC 605:10-7-8.2(a)(6) and (e), OAC 605:10-9-5, and OAC 605:10-11-2(a), (c) and (g), regarding licensing procedures and options, broker's operational procedures and associate's licensing procedures, relating to certain fees, and on March 19, 1998, the agency submitted the rules to the Legislature for its review; and

WHEREAS, the proposed amendments to permanent rule OAC 605:10-7-2(m) increase the fee for issuance of a license from a provisional sales associate to a sales associate by Ten Dollars (\$10.00); and

WHEREAS, the proposed amendments to permanent rule OAC 605:10-7-4(a) increase the fee for a request for activation or reissuance of a license by Ten Dollars (\$10.00); and

WHEREAS, the proposed amendments to permanent rule OAC 605:10-7-5(a) increase the license name change fee by Ten Dollars (\$10.00) and the proposed amendments to permanent rule OAC 605:10-7-5(b) increase the cap for group name changes by Two Hundred Fifty Dollars (\$250.00); and

WHEREAS, the proposed amendments to permanent rules OAC 605:10-7-8(a)(6), OAC 605:10-7-8.1(a)(6) and OAC 605:10-7-8.2(a)(6) increase the change of status fee for managing corporate brokers, managing partners and managing broker members by Ten Dollars (\$10.00); and

WHEREAS, the proposed amendments to permanent rule OAC 605:10-7-8(d), OAC 605:10-7-8.1(d), OAC 605:10-7-8.2(e) increase the cap on group transactions requesting licenses to be issued for corporations, partnerships and associations by Two Hundred Fifty Dollars (\$250.00); and

WHEREAS, the proposed amendments to permanent rule OAC 605:10-9-5 increase the fees brokers pay for changing business and home addresses by Ten Dollars (\$10.00) and for the cap placed on group transactions requesting licenses to be issued by Two Hundred Fifty Dollars (\$250.00); and

WHEREAS, the proposed amendments to permanent rules OAC 605:10-11-2(a) and (g) increase the fees associates pay for changing business and home addresses by Ten Dollars (\$10.00) and the proposed amendments to permanent rule OAC 605:10-11-2(c) increase the cap placed on group transactions requesting licenses to be issued by Two Hundred Fifty Dollars (\$250.00); and

WHEREAS, the Legislature strongly opposes fee increases and considers new fees imposed on the public to be burdensome and excessive.

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 proposed amendments to permanent rules OAC 605:10-7-2(m), OAC 605:10-7-4(a), OAC 605:10-7-5, OAC 605:10-7-8(a) (6) and (d), OAC 605:10-7-8.1(a) (6) and (d), OAC 605:10-7-8.2(a) (6) and (e), OAC 605:10-9-5, and OAC 605:10-11-2(a), (c) and (g).

SECTION 2. The Legislature hereby directs and authorizes, in accordance with subsection H of Section 308 of Title 75 of the Oklahoma Statutes, the Oklahoma Real Estate Commission to adopt and promulgate emergency rules which replace the proposed fee increases with the amounts currently charged for such services.

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Executive Director of the Oklahoma Real Estate Commission 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.

Passed the House of Representatives the 18th day of May, 1998.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1998.

President

of the Senate