

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2659

By: Jordan of the House and Newberry of the Senate

Title: Professions and occupations; Oklahoma Uniform Building Code Commission Act; requiring fees be remitted to Commission; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment and that the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Newberry _____

Treat _____

Brinkley _____

Stanislowski _____

Burrage _____

Eason McIntyre _____

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2659

By: Jordan of the House

and

Newberry of the Senate

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;
11 amending 59 O.S. 2011, Sections 1000.23 and 1000.25,
12 which relate to the Oklahoma Uniform Building Code
13 Commission Act; providing for publishing of certain
14 notice; requiring fees be remitted to the Commission
15 within time prescribed; providing for late fee;
16 requiring semiannual report; and providing an
17 effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1000.23, is
20 amended to read as follows:

21 Section 1000.23 A. The Oklahoma Uniform Building Code
22 Commission shall have the power and the duty to review and adopt all
23 building codes for residential and commercial construction to be
24 used by all entities within this state. Codes and standards adopted

1 by the Commission shall be the minimum standards for residential and
2 commercial construction in this state.

3 B. All public projects shall abide by such minimum standards
4 and requirements; provided, nothing in ~~this act~~ the Oklahoma Uniform
5 Building Code Commission Act shall prevent or take away from state
6 agencies the authority to enact and enforce requirements containing
7 higher standards and requirements than such minimum standards and
8 requirements.

9 C. Municipalities and other political subdivisions shall abide
10 by such minimum standards and requirements; provided, nothing in
11 ~~this act~~ the Oklahoma Uniform Building Code Commission Act shall
12 prevent or take away from such municipalities and other political
13 subdivisions the authority to enact and enforce requirements
14 containing higher standards and requirements than such minimum
15 standards and requirements. Provided, however, notice of the
16 proposed higher standard or requirement shall be published in a
17 conspicuous manner to all property owners and shall be included in
18 the monthly utility bill for each utility customer of the
19 municipality or other political subdivision. The notice shall be
20 given at least once in each thirty-day period beginning sixty (60)
21 days prior to the date for consideration of the proposed higher
22 standard or requirement and shall include the meeting date for
23 consideration of the proposal and a brief statement of the proposal.
24 In addition, notice shall be mailed to every person or entity who

1 holds a permit issued by the municipality or other political
2 subdivision for any new construction site and who is not otherwise
3 included in the notice to utility customers or property owners.

4 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1000.25, is
5 amended to read as follows:

6 Section 1000.25 A. The Oklahoma Uniform Building Code
7 Commission shall establish a system of fees to be charged for the
8 issuance and renewal of any construction permits issued by any
9 agency, municipality, or other political subdivision of this state.

10 B. This provision is subject to the following limitations:

11 1. No schedule of fees may be established or amended by the
12 Commission except during such times as the Legislature is in
13 session; provided, the Commission may establish or amend a schedule
14 of fees at a time when the Legislature is not in session if the fees
15 or schedule of fees has been specifically authorized by the
16 Legislature pursuant to paragraphs 2 and 3 of this subsection. The
17 Commission must follow the procedures required by Article I of the
18 Administrative Procedures Act for adoption of rules in establishing
19 or amending any such schedule of fees;

20 2. The Commission shall charge fees for building permits and
21 renewal of such permits issued by any state agency, municipality, or
22 other political subdivision of this state which authorized work
23 governed by codes within the purview of the Commission only within
24 the following ranges:

1 For issuance of permit not to exceed \$5.00

2 For renewal of permit not to exceed \$5.00

3 Fees shall be remitted to the Oklahoma Uniform Building Code
4 Commission thirty (30) days after the end of the preceding calendar
5 month. Past-due payments shall be charged a late fee of one percent
6 (1%) per month until paid. The Oklahoma Uniform Building Code
7 Commission shall report to the Governor, President Pro Tempore of
8 the Senate and the Speaker of the House semiannually its
9 collections, past-due charges, late-fee assessments and late-fee
10 collections for the six (6) months preceding the report;

11 3. ~~Such fees~~ Fees shall be collected by any state agency,
12 municipality or other political subdivision issuing construction
13 permits within this state. The fees shall be deposited in an
14 account created by the collecting entity for that purpose;

15 4. The state agency, municipality or other political
16 subdivision shall remit the monies in the account on a monthly basis
17 directly to the State Treasury for deposit in the Oklahoma Uniform
18 Building Code Commission Revolving Fund created pursuant to Section
19 ~~10~~ 1000.28 of this ~~act~~ title. Along with the deposits required by
20 this paragraph, each state agency, municipality or other political
21 subdivision shall also submit a report stating the total amount of
22 funds collected and the total number of fees imposed during the
23 preceding month. The report shall be made on computerized or manual
24 disposition reports as provided by rule of the Commission;

1 5. ~~Deposits to the Oklahoma Uniform Building Code Commission~~
2 ~~Revolving Fund shall be due on the twentieth day of each month for~~
3 ~~the fees collected during the preceding calendar month. There shall~~
4 ~~be a late fee imposed for failure to make timely deposits. The~~
5 ~~Oklahoma Uniform Building Code Commission, in its discretion, may~~
6 ~~waive all or part of the late fee. Such late fee shall be one~~
7 ~~percent (1%) of the principal amount due per day beginning from the~~
8 ~~tenth day after payment is due and accumulating until the late fee~~
9 ~~reaches one hundred percent (100%) of the principal amount due;~~

10 ~~6.~~ Any state agency, municipality or other political
11 subdivision collecting and remitting fees pursuant to this section
12 may levy a fee up to fifty cents ~~(\$.50)~~ (\$0.50) for every
13 construction permit or renewal permit issued. These monies shall be
14 deposited into an account for the sole use of the state agency,
15 municipality or other political subdivision. The state agency,
16 municipality or other political subdivision shall state the total
17 amount of funds collected and the total number of fees imposed to
18 the State Treasury in the report required by paragraph 4 of this
19 ~~section~~ subsection;

20 ~~7.~~ 6. It shall be the responsibility of the state agency,
21 municipality or other political subdivision to account for and
22 ensure the correctness and accuracy of payments made to the State
23 Treasury pursuant to this title; and
24

1 ~~8.~~ 7. Funds collected by a state agency, municipality or other
2 political subdivision and remitted to the State Treasury pursuant to
3 the Oklahoma Uniform Building Code Commission Act shall be deposited
4 in the Oklahoma Uniform Building Code Commission Revolving Fund and
5 shall be used solely for the purposes of the Oklahoma Uniform
6 Building Code Commission Act.

7 SECTION 3. This act shall become effective November 1, 2012.

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9 53-2-10451 LRB 05/08/12

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