

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1444

By: Dahm

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5  
6 AS INTRODUCED

7 An Act relating to abstractors; amending 1 O.S. 2011,  
8 Section 22, as amended by Section 1, Chapter 350,  
9 O.S.L. 2013 (1 O.S. Supp. 2015, Section 22), which  
10 relates to the Oklahoma Abstractors Board; clarifying  
11 re-creation of the board; modifying method of  
appointment to the board by certain date; providing  
for length of initial terms; modifying method of  
removal from certain office; authorizing legal  
counsel; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 1 O.S. 2011, Section 22, as  
16 amended by Section 1, Chapter 350, O.S.L. 2013 (1 O.S. Supp. 2015,  
17 Section 22), is amended to read as follows:

18 Section 22. A. There is hereby re-created to continue until  
19 July 1, 2019, in accordance with the Oklahoma Sunset Law and the  
20 modifications effective July 1, 2016, the Oklahoma Abstractors  
21 Board. Beginning January 1, 2008, the Oklahoma Abstractors Board  
22 shall have the total responsibility of administering and enforcing  
23 the Oklahoma Abstractors Act.  
24

1 B. The Board shall have the power and duty to prescribe,  
2 promulgate and implement rules as deemed necessary to implement all  
3 the provisions of the Oklahoma Abstractors Act.

4 C. The Board shall have the power and duty to obtain and secure  
5 an office in Oklahoma City, and employ, direct, discharge, and  
6 define the duties and set the salaries of employees of the Board,  
7 including an executive director, as are necessary to implement the  
8 provisions of the Oklahoma Abstractors Act.

9 D. ~~The~~ Effective July 1, 2016, the Board shall consist of nine  
10 (9) members who shall be appointed by the Governor and confirmed by  
11 the Senate:

12 1. ~~Six~~ Four of the members shall be residents of this state who  
13 are either a holder of a current valid Certificate of Authority or  
14 an employee of a holder of a current valid Certificate of Authority  
15 for not less than five (5) years in a county in the district from  
16 which the member is appointed prior to appointment. One member  
17 shall be appointed from each of the following districts:

18 District 1: Oklahoma, Logan, Alfalfa, Beaver, Blaine, Cimarron,  
19 Custer, Dewey, Ellis, Garfield, Grant, Harper, Kingfisher, Major,  
20 Roger Mills, Texas, Woods, and Woodward Counties.

21 District 2: Canadian, Cleveland, Beckham, Caddo, Carter,  
22 Comanche, Cotton, Garvin, Grady, Greer, Harmon, Jackson, Jefferson,  
23 Kiowa, Love, McClain, Murray, Stephens, Tillman, and Washita  
24 Counties.

1 District 3: ~~Canadian, Cleveland, Logan, and Oklahoma Counties.~~

2 ~~District 4:~~ Tulsa, Wagoner, Adair, Cherokee, Craig, Delaware,  
3 Kay, Mayes, Muskogee, Noble, Nowata, Okmulgee, Osage, Ottawa,  
4 Pawnee, Payne, Sequoyah, and Washington Counties.

5 ~~District 5: Creek, Lincoln, Rogers, Tulsa, and Wagoner Counties.~~

6 ~~District 6~~ District 4: Creek, Lincoln, Rogers, Atoka, Bryan,  
7 Choctaw, Coal, Haskell, Hughes, Johnston, Latimer, Leflore,  
8 McIntosh, Marshall, McCurtain, Okfuskee, Pittsburg, Pontotoc,  
9 Pottawatomie, Pushmataha, and Seminole Counties;

10 2. ~~One member~~ Two members shall be ~~a resident~~ residents of this  
11 state who ~~has~~ have been a licensed real estate ~~broker~~ brokers in  
12 Oklahoma for not less than five (5) years;

13 3. ~~One member~~ Two members shall be ~~an attorney~~ attorneys who ~~is~~  
14 ~~a resident~~ are residents of this state who ~~has~~ have been licensed to  
15 practice in Oklahoma for not less than five (5) years; and

16 4. One member shall be a resident of this state who has been an  
17 officer in a bank in Oklahoma for not less than five (5) years.

18 E. The Governor shall make the ~~initial~~ appointments to the  
19 Board that begin July 1, 2016, within ninety (90) days of the  
20 effective date of this act:

21 1. The initial appointments for the members of the Board shall  
22 be as follows:

- 23 a. members appointed from Districts 1 and 3 shall serve  
24 until July 1, ~~2008~~ 2017,

1 b. members appointed from Districts 2 and 4 shall serve  
2 until July 1, ~~2009~~ 2018,

3 ~~c. members appointed from Districts 5 and 6 shall serve~~  
4 ~~until July 1, 2010,~~

5 ~~d.~~ the real estate broker ~~member~~ members shall serve  
6 until July 1, ~~2010~~ 2019,

7 ~~e.~~

8 d. the attorney ~~member~~ members shall serve until July 1,  
9 ~~2009~~ 2018, and

10 ~~f.~~

11 e. the bank officer member shall serve until July 1, ~~2010~~  
12 2019; and

13 2. Thereafter, all members shall serve four-year terms.

14 F. Each member shall hold office until the expiration of the  
15 term of office for which appointed or until a successor has been  
16 appointed and confirmed:

17 1. Vacancies on the Board due to death, resignation, or removal  
18 occurring during a term shall be filled by the Governor for the  
19 unexpired portion of the term in a manner as provided for regular  
20 appointments to the Board;

21 2. Members filling the remainder of an unexpired term shall  
22 assume office immediately upon appointment by the Governor and shall  
23 serve until confirmation or denial of confirmation by the Senate;  
24 and

1           3. A member may be reappointed to the Board, but shall not  
2 serve more than two (2) terms.

3           G. Members of the Board shall receive no salary or compensation  
4 for service on the Board, but shall be reimbursed for travel  
5 expenses incurred on behalf of their service on the Board pursuant  
6 to the State Travel Reimbursement Act.

7           H. Members may be removed from office by the Governor:

8           1. For inefficiency, neglect of duty, or malfeasance in office  
9 in the manner provided for by law for the removal of officers not  
10 subject to impeachment;

11           2. For cause which shall include, but not be limited to:

12           a. the member has ceased to be qualified. A member of  
13 the Board is no longer qualified to serve if that  
14 member:

15           (1) is a member whose certificate of authority,  
16 license, or permit pursuant to the laws of this  
17 state has become void or has been revoked or  
18 suspended, or

19           (2) is a member who has moved from this state,

20           b. the member has been convicted, pled guilty or nolo  
21 contendere to a felony pursuant to the laws of the  
22 United States or any jurisdiction,  
23  
24

1 c. the member has become medically incapacitated as  
2 determined in writing by a medical doctor upon request  
3 by the Board, or

4 d. the member has been absent from three meetings, or is  
5 absent for more than one-half (1/2) the number of  
6 minutes for which a meeting is conducted of three  
7 meetings as determined by the Board during any twelve-  
8 month period, unless such absence is determined to be  
9 unavoidable in the opinion of a majority of the  
10 remaining members;

11 3. Upon being found guilty, through due process, of  
12 malfeasance, misfeasance or nonfeasance in relation to Board duties;  
13 or

14 4. Upon being found mentally incompetent by a court of  
15 competent jurisdiction.

16 I. A member may also be removed upon the passage of a  
17 concurrent resolution by the Legislature specifying the removal of a  
18 member.

19 ~~I. J. Removal~~ Except as provided in subsection I of this  
20 section, removal pursuant to the provisions of subsection H of this  
21 section shall be accomplished in the following manner:

22 1. After a majority vote of the remaining members setting out  
23 the dates of absences or other grounds for removal and the fact of  
24

1 the disqualification of the member, a written notification of the  
2 said vote shall be sent to the Governor; and

3 2. Upon receipt of the written notification, the Governor,  
4 after a hearing conducted in accordance with the provisions of the  
5 Administrative Procedures Act, may remove any member of the Board  
6 for any of the reasons set out in the notice from the Board or for  
7 any other reason specified in this act, provided:

8 a. removal pursuant to the provisions of this subsection  
9 shall occur upon the Governor filing a written  
10 statement of findings after the hearing as to the  
11 reasons and basis for removal of the member with the  
12 secretary of the Board, and

13 b. the Governor shall appoint another member in the  
14 manner provided for appointments to the Board.

15 K. The Board is authorized to retain legal counsel for  
16 advisement and assisting in other operations as necessary.

17 SECTION 2. It being immediately necessary for the preservation  
18 of the public peace, health and safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

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22 55-2-2535

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