

1 ENGROSSED HOUSE
2 BILL NO. 3363

By: Frix and Mize of the House

3 and

4 David of the Senate
5

6 An Act relating to abstractors; amending 1 O.S. 2011,
7 Section 22, as last amended by Section 1, Chapter 44,
8 O.S.L. 2019 (1 O.S. Supp. 2019, Section 22), which
9 relates to the Oklahoma Abstractors Board; allowing
10 for certain reappointment to the Board; amending 1
11 O.S. 2011, Section 38, which relates to
12 qualifications for licensure; modifying requirement
13 for licensure; defining terms; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 1 O.S. 2011, Section 22, as last
17 amended by Section 1, Chapter 44, O.S.L. 2019 (1 O.S. Supp. 2019,
18 Section 22), is amended to read as follows:

19 Section 22. A. There is hereby re-created to continue until
20 July 1, 2020, in accordance with the Oklahoma Sunset Law the
21 Oklahoma Abstractors Board. Beginning January 1, 2008, the Oklahoma
22 Abstractors Board shall have the total responsibility of
23 administering and enforcing the Oklahoma Abstractors Act.

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

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

6 D. The Board shall consist of nine (9) members who shall be
7 appointed by the Governor and confirmed by the Senate:

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

14 District 1: Alfalfa, Beaver, Blaine, Cimarron, Custer, Dewey,
15 Ellis, Garfield, Grant, Harper, Kingfisher, Major, Roger Mills,
16 Texas, Woods, and Woodward Counties.

17 District 2: Beckham, Caddo, Carter, Comanche, Cotton, Garvin,
18 Grady, Greer, Harmon, Jackson, Jefferson, Kiowa, Love, McClain,
19 Murray, Stephens, Tillman, and Washita Counties.

20 District 3: Canadian, Cleveland, Logan, and Oklahoma Counties.

21 District 4: Adair, Cherokee, Craig, Delaware, Kay, Mayes,
22 Muskogee, Noble, Nowata, Okmulgee, Osage, Ottawa, Pawnee, Payne,
23 Sequoyah, and Washington Counties.

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

1 District 6: Atoka, Bryan, Choctaw, Coal, Haskell, Hughes,
2 Johnston, Latimer, Leflore, McIntosh, Marshall, McCurtain, Okfuskee,
3 Pittsburg, Pontotoc, Pottawatomie, Pushmataha, and Seminole
4 Counties;

5 2. One member shall be a resident of this state who has been a
6 licensed real estate broker in Oklahoma for not less than five (5)
7 years;

8 3. One member shall be an attorney who is a resident of this
9 state who has been licensed to practice in Oklahoma for not less
10 than five (5) years; and

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

13 E. The Governor shall make the initial appointments to the
14 Board within ninety (90) days of the effective date of this act:

15 1. The initial appointments for the members of the Board shall
16 be as follows:

17 a. members appointed from Districts 1 and 3 shall serve
18 until July 1, 2008,

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

21 c. members appointed from Districts 5 and 6 shall serve
22 until July 1, 2010,

23 d. the real estate broker member shall serve until July
24 1, 2010,

1 e. the attorney member shall serve until July 1, 2009,
2 and

3 f. the bank officer member shall serve until July 1,
4 2010; and

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

6 F. Each member shall hold office until the expiration of the
7 term of office for which appointed or until a successor has been
8 appointed and confirmed:

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

13 2. Members filling the remainder of an unexpired term shall
14 assume office immediately upon appointment by the Governor and shall
15 serve until confirmation or denial of confirmation by the Senate;
16 and

17 3. A member may be reappointed to the Board, but shall not
18 serve more than two consecutive terms. A member that has previously
19 served two consecutive terms may be reappointed after the expiration
20 of at least one full term.

21 G. Members of the Board shall receive no salary or compensation
22 for service on the Board, but shall be reimbursed for travel
23 expenses incurred on behalf of their service on the Board pursuant
24 to the State Travel Reimbursement Act.

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

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

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

6 a. the member has ceased to be qualified. A member of
7 the Board is no longer qualified to serve if that
8 member:

9 (1) is a member whose certificate of authority,
10 license, or permit pursuant to the laws of this
11 state has become void or has been revoked or
12 suspended, or

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

14 b. the member has been convicted, pled guilty or nolo
15 contendere to a felony pursuant to the laws of the
16 United States or any jurisdiction,

17 c. the member has become medically incapacitated as
18 determined in writing by a medical doctor upon request
19 by the Board, or

20 d. the member has been absent from three meetings, or is
21 absent for more than one-half (1/2) the number of
22 minutes for which a meeting is conducted of three
23 meetings as determined by the Board during any twelve-
24 month period, unless such absence is determined to be

1 unavoidable in the opinion of a majority of the
2 remaining members;

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

6 4. Upon being found mentally incompetent by a court of
7 competent jurisdiction.

8 I. Removal pursuant to the provisions of subsection H of this
9 section shall be accomplished in the following manner:

10 1. After a majority vote of the remaining members setting out
11 the dates of absences or other grounds for removal and the fact of
12 the disqualification of the member, a written notification of ~~the~~
13 said vote shall be sent to the Governor; and

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

19 a. removal pursuant to the provisions of this subsection
20 shall occur upon the Governor filing a written
21 statement of findings after the hearing as to the
22 reasons and basis for removal of the member with the
23 secretary of the Board, and
24

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

SECTION 2. AMENDATORY 1 O.S. 2011, Section 38, is amended to read as follows:

Section 38. A. An abstract license shall be issued by the Oklahoma Abstractors Board to an applicant who:

1. Is eighteen (18) years of age or older;
2. Is of good moral character;
3. Has not been convicted of or pleaded guilty or nolo contendere to a ~~felony or crime of moral turpitude~~ disqualifying offense that substantially relates to the practice of abstracting and poses a reasonable threat to public safety in this state, another state, or a federal court; and

4. Has passed a test for abstractors required by the Board.

B. Each abstract license shall be valid for one (1) year. The Board shall set the fees for an abstract license and for renewal not to exceed One Hundred Fifty Dollars (\$150.00).

C. As used in this section:

1. "Poses a reasonable threat" means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation; and
2. "Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the

1 fitness or ability to perform one or more of the duties or
2 responsibilities necessarily related to the occupation.

3 SECTION 3. This act shall become effective November 1, 2020.

4 Passed the House of Representatives the 2nd day of March, 2020.

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6 _____
7 Presiding Officer of the House
8 of Representatives

9 Passed the Senate the ____ day of _____, 2020.

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11 _____
12 Presiding Officer of the Senate
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