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April 6, 2021

ENGROSSED HOUSE
BILL NO. 2326

By: Frix of the House

and

Pemberton of the Senate

An Act relating to abstractors; amending 1 O.S. 2011, Section 22, as last amended by Section 12, Chapter 116, O.S.L. 2020 (1 O.S. Supp. 2020, Section 22), which relates to the Oklahoma Abstractors Board; allowing for certain reappointment to the Board; amending 1 O.S. 2011, Section 38, which relates to qualifications for licensure; modifying requirement for licensure; defining terms; and providing an effective date.

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

SECTION 1. AMENDATORY 1 O.S. 2011, Section 22, as last amended by Section 12, Chapter 116, O.S.L. 2020 (1 O.S. Supp. 2020, Section 22), is amended to read as follows:

Section 22. A. There is hereby re-created to continue until July 1, 2023, in accordance with the Oklahoma Sunset Law the Oklahoma Abstractors Board. Beginning January 1, 2008, the Oklahoma Abstractors Board shall have the total responsibility of administering and enforcing the Oklahoma Abstractors Act.

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 Board shall consist of nine (9) members who shall be
10 appointed by the Governor and confirmed by the Senate:

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

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

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

23 District 3: Canadian, Cleveland, Logan, and Oklahoma Counties.
24

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

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

5 District 6: Atoka, Bryan, Choctaw, Coal, Haskell, Hughes,
6 Johnston, Latimer, ~~LeFlore~~ LeFlore, McIntosh, Marshall, McCurtain,
7 Okfuskee, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, and
8 Seminole Counties;

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

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

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

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

19 1. The initial appointments for the members of the Board shall
20 be as follows:

21 a. members appointed from Districts 1 and 3 shall serve
22 until July 1, 2008,

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

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

3 d. the real estate broker member shall serve until July
4 1, 2010,

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

7 f. the bank officer member shall serve until July 1,
8 2010; and

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

10 F. Each member shall hold office until the expiration of the
11 term of office for which appointed or until a successor has been
12 appointed and confirmed:

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

17 2. Members filling the remainder of an unexpired term shall
18 assume office immediately upon appointment by the Governor and shall
19 serve until confirmation or denial of confirmation by the Senate;
20 and

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

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

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

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

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

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

13 (1) is a member whose Certificate of Authority,
14 license, or permit pursuant to the laws of this
15 state has become void or has been revoked or
16 suspended, or

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

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

21 c. the member has become medically incapacitated as
22 determined in writing by a medical doctor upon request
23 by the Board, or
24

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

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

11 4. Upon being found mentally incompetent by a court of
12 competent jurisdiction.

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

15 1. After a majority vote of the remaining members setting out
16 the dates of absences or other grounds for removal and the fact of
17 the disqualification of the member, a written notification of the
18 said vote shall be sent to the Governor; and

19 2. Upon receipt of the written notification, the Governor,
20 after a hearing conducted in accordance with the provisions of the
21 Administrative Procedures Act, may remove any member of the Board
22 for any of the reasons set out in the notice from the Board or for
23 any other reason specified in this act, provided:
24

1 a. removal pursuant to the provisions of this subsection
2 shall occur upon the Governor filing a written
3 statement of findings after the hearing as to the
4 reasons and basis for removal of the member with the
5 secretary of the Board, and

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

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

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

12 1. Is eighteen (18) years of age or older;

13 2. Is of good moral character;

14 3. Has not been convicted of or pleaded guilty or nolo
15 contendere to a felony or crime of moral turpitude disqualifying
16 offense that substantially relates to the practice of abstracting or
17 poses a reasonable threat to public safety in this state, another
18 state, or a federal court; and

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

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

23 C. As used in this section:
24

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

5 2. "Substantially relates" means the nature of criminal conduct
6 for which the person was convicted has a direct bearing on the
7 fitness or ability to perform one or more of the duties or
8 responsibilities necessarily related to the occupation.

9 SECTION 3. This act shall become effective November 1, 2021.

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
11 April 6, 2021 - DO PASS
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