

1 **SENATE FLOOR VERSION**

2 March 28, 2019

3 ENGROSSED HOUSE
4 BILL NO. 1434

By: Gann of the House

and

5 Allen and Dahm of the
6 Senate

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9 An Act relating to sunset; amending 1 O.S. 2011,
10 Section 22, as amended by Section 1, Chapter 350,
11 O.S.L. 2013 (1 O.S. Supp. 2018, Section 22), which
relates to the Oklahoma Abstractors Board; re-
creating the Board; and modifying termination date.

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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. 2018,
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~~ 2020, in accordance with the Oklahoma Sunset Law the
20 Oklahoma Abstractors Board. Beginning January 1, 2008, the Oklahoma
21 Abstractors Board shall have the total responsibility of
22 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, McIntosh, Marshall, McCurtain, Okfuskee,
7 Pittsburg, Pontotoc, Pottawatomie, Pushmataha, and Seminole
8 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 ~~(2)~~ terms.

23 G. Members of the Board shall receive no salary or compensation
24 for service on the Board, but shall be reimbursed for travel

1 expenses incurred on behalf of their service on the Board pursuant
2 to the State Travel Reimbursement Act.

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

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

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

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

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13 state has become void or has been revoked or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

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

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

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

22 d. the member has been absent from three meetings, or is
23 absent for more than one-half (1/2) the number of
24 minutes for which a meeting is conducted of three

1 meetings as determined by the Board during any twelve-
2 month period, unless such absence is determined to be
3 unavoidable in the opinion of a majority of the
4 remaining members;

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

8 4. Upon being found mentally incompetent by a court of
9 competent jurisdiction.

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

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

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

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
6 March 28, 2019 - DO PASS
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