

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2798

By: Kendrix

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to sunset; amending 1 O.S. 2021,  
10 Section 22, which relates to the Oklahoma Abstractors  
11 Board; re-creating the Board; and modifying  
12 termination date.

13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15                   SECTION 1.           AMENDATORY           1 O.S. 2021, Section 22, is  
16 amended to read as follows:

17                   Section 1150.2 A. There is hereby re-created to continue until  
18 July 1, ~~2023~~ 2026, in accordance with the Oklahoma Sunset Law, the  
19 Oklahoma Abstractors Board. Beginning January 1, 2008, the Oklahoma  
20 Abstractors Board shall have the total responsibility of  
21 administering and enforcing the Oklahoma Abstractors Act.

22                   B. The Board shall have the power and duty to prescribe,  
23 promulgate and implement rules as deemed necessary to implement all  
24 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~~ July 1, 2007, of  
15 this act:

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

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

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

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

24

1 d. the real estate broker member shall serve until July  
2 1, 2010,

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

5 f. the bank officer member shall serve until July 1,  
6 2010; and

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

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

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

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

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

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  
24

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.  
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6 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated  
7 02/16/2023 - DO PASS, As Amended.  
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