

**2018 Legislative Report
Oklahoma Title Examination Standards Committee
2nd Session of the 56th Legislature
February 17, 2017**

Please do not hesitate to contact me if you know of a bill that should be included, think a bill should be included under a different section, would like to suggest a different interpretation of a bill, or have a proposed edit to the referenced title standard(s).

Legislative Deadlines*

Deadline for bill draft requests	December 8, 2017
Bill introduction deadline	January 18, 2018
Legislative session begins	February 5, 2018
Senate bills out of Senate committees	March 1, 2018
House bills out of House committees	March 3, 2017
Third reading of measures in chamber of origin	March 22, 2017
House bills out of Senate committees	April 12, 2018
Senate bills out of House committees	April 14, 2017
Third reading of measures in opposite chamber	April 26, 2018
Sine Die	May 25, 2018

*some exceptions apply

Introductory Notes

Bills that may potentially affect current title standards are shown first. Those are followed by other bills broadly related to real property. The summaries do not necessarily reflect all changes, deletions or additions presented by the bills. Bills not noted as "carry over from 2017" were introduced as new bills in 2018.

Updates will be provided at regular TES Committee monthly meetings. Outside of these meetings, you can check for updates at www.oklegislature.gov either by entering the bill number and checking the history or by using the "Track Bills" feature which will email you updates.

All summaries and interpretations are those of this author. If you are specifically interested in any bill, please read the bill in its entirety to confirm its scope and effect.

Acknowledgments

HB 1366 Carry over from 2017. Changes requirement for a deed, mortgage or other instrument affecting real estate to be "acknowledged" to be "acknowledged or verified under oath or affirmation." Changes language regarding acknowledgements relating to military business of the state. Increases required notary bond from \$1000 to \$10,000. Other changes including fees, contracts to provide notarial services, and software issues. Adds administer oaths "of affirmations; to take a verification upon oath or affirmation to witness or attest a signature; to certify or attest a copy" to notary public authority. Numerous changes to definitions in the Uniform Law on Notarial Acts, including definitions related to video and electronic signatures. Multiple deletions of "stamp" from "official stamp or seal." Official certificate and seal of notary public is "presumptive evidence of the facts stated in cases where, by law, the notary public is authorized to certify the facts." Grandfathers in electronic notarial acts performed before 1/1/18 under the Uniform Electronic Transactions Act. Creates a new section of law called the Uniform Law on Notarial Acts, which supersedes the Electronic Signatures in Global and Nation Commerce Act with exceptions, and sets forth the procedure, scope, and requirements of video notarial acts.

Status: No 2018 activity.

Appraisals

HB 1358 Carry over from 2017. Appointments of disinterested person to appraise when general or special execution is levied upon lands shall be made on a rotating basis from a list of persons maintained by the sheriff and can't be related with the third degree to the sheriff, any person having an interest in the lands, or to another disinterested person valuing the same lands. In counties with a population of 65,000 or more, the disinterested person must be a certified real estate appraiser, a licensed real estate broker, or real estate agent licensed for more than two years.

Status: Referred to Judiciary.

SB 533 Carry over from 2017. Requires invoice disclosing compensation to appraiser when services are performed independently or not within an employer/employee relationship. Appraisal Management Company cannot prohibit an employee from including an invoice which describes the fee.

Status: No 2018 activity.

SB 571 Carry over from 2017. Real Estate Appraiser Board to define type of educational and equivalent experience to meet the Appraiser Qualification Board and Appraisal Foundation approval for a new category, Special Appraisers, supervised by the Board of other designated persons. Special Appraisers will have no examination requirement but must complete 75 classroom hours of specified courses.

Status: No 2018 activity.

trials, burden of proof, costs, payment of award, fair market value, annual reports to Attorney General, and good faith negotiations.

Status: No 2018 activity.

SB 290 Laid over from 2017. Amends 66 O.S. §55 changing taxing of costs on jury trial and allowing for last offer to settle. Amends 27 O.S. §11 changing language regarding award of 10% more than commissioner's award to exceeds by any amount the last offer to settle.

Status: No 2018 activity.

SB 318 Carry over from 2017. Authorization for ODOT to complete the acquisition and rehabilitation of the 90 mile "Sunbelt Line" between Shawnee and McAlester.

Status: No 2018 activity.

SB 422 Carry over from 2017. Enacts a new law creating the Oklahoma Public and Private Facilities and Infrastructure Act (see HB 1534 above).

Status: No 2018 activity.

SB 548 Carry over from 2017. Enacts a new law creating Prosperity Districts which will be municipal corporations in the form of a special district that can form enforceable contracts, sue and be sued and exercise exclusively the jurisdiction, power and authority specified in the act. Limitations on Prosperity Districts include no ability to levy tax, exercise eminent domain, etc.

Status: No 2018 activity.

Counties

SB 1043 Changes fees a County Clerk can charge for electronic copies. Fees based on population of County.

Status: Second reading referred to General Government.

SB 1264 Allows for suits against a county to be brought in individual officer's name when certain allegations are present.

Status: Passed out of committee.

SB 1272 Enacts a new law to allow board of county commissioners to transfer ownership of real property designated as a common area or greenbelt for neighborhood development to the municipality that created the common area or greenbelt.

Status: Second reading referred to General Government.

SB 417 Carry over from 2017. Enacts a new law to allow board of county commissioners to transfer ownership of real property designated as a common area or greenbelt for neighborhood development to the municipality that created the common area or greenbelt.

Status: No 2018 activity.

- SB 1107 Municipalities can place liens on property for trash and weed removal.
 Status: Second reading referred to General Government.
- HB 2766 Liens. Adds "legal entity" to references to persons, requires estimate of value of property by three disinterested persons and providing Administrator of Courts can approve forms, changes "appraised value" to "appraised current market value", and provides for electronic bids.
 Status: Second reading referred to Judiciary.
- HB 1281 Carry over from 2017. Creates Oklahoma Construction Registry Act. Does not apply to residential (single family or multifamily of four or fewer units). Project registration is voluntary. Registration will afford different lien rights than current lien rights.
 Status: No 2018 activity.
- HB 1673 Carry over from 2017. Extends filing time for subcontractor liens from 90 days to 6 months.
 Status: Referred to Judiciary.
- SB 581 Carry over from 2017. Decreases time a county clerk can discharge M&M liens from 10 years to 3 years.
 Status: No 2018 activity.
- HB 1701 Carry over from 2017. Removes the 1 year waiting period related to homestead liens filed by OHCA and allows the liens to be assignable. Removes language that lien "shall not sever a joint tenancy nor affect the right of survivorship." Allows for a reduced amount to pay off the lien if necessitated by the value of the property at the time of a sale or transfer.
 Status: No 2018 activity.

Mining

- SB 1033 Department of Mines would be consolidate with the DEQ and become the Mining Safety Division of the Department of Environmental Quality.
 Status: Referred to Appropriations Subcommittee Natural Resources and Regulatory Services.

Minors

- SB 122 Carry over from 2017. Oklahoma Uniform Transfers to Minors Act. Parents as successor custodian: either parent if they are still married; if divorced, primary custody parent or if joint custody, parent determined by written agreement between the parents.
 Status: No 2018 activity.

- SB 680 Carry over from 2017. Amends the 2011 Shale Reservoir Development Act to the Extended Lateral Horizontal Well Development Act to expand to include any common source of supply designated by the OCC as suited for development through a multiunit horizontal well or part of an order approving a multiunit horizontal well.
- Status: No 2018 activity
- HB 1356 Carry over from 2017. Amends 52 O.S. §87.1 to require notice of application be sent by regular mail to every owner of an occupied structure within 1,500' of proposed drilling site. Amends 52 O.S. §320.1 to require wellbore of active well to be at least 500 feet from any occupied structure unless waived by surface owner.
- Status: No 2018 activity
- HB 1639 Carry over from 2017. Enacts new law allowing municipality, county or other political subdivision to prevent oil and gas drilling therein and provide its own rules and regulations regarding well spacing units, drilling and production.
- Status: No 2018 activity
- SB 193 Carry over from 2017. Enacts new law allowing cities and towns to prevent oil or gas drilling and provide its own rules and regulations regarding well spacing units, drilling, and production.
- Status: No 2018 activity
- HB 1902 Carry over from 2017. Enacts a new law defining as a taking any ordinance, rule, etc., by a municipality, county, or other political subdivision (other than the OCC) that substantially interferes with the use and enjoyment of the mineral estate; imposes or enforces a limitation that adversely impacts the use and development of minerals; or prohibits access to develop the mineral estate resulting in substantially increased costs of oil and gas operations or substantial reduction in fair market value of the mineral estate.
- Status: No 2018 activity.
- SB 731 Carry over from 2017. Amends Production Revenue Standards Act. Includes royalty proceeds erroneously withheld to provisions regarding royalty proceeds incorrectly paid regarding liability of party whose error or omission caused the error. Removes "compounded annually" from interest rate. Allows the holder of proceeds to interplead such proceeds where marketability has remained uncured for 120 days. Allows operator to remit to the Unclaimed Property Fund proceeds where title has remained unmarketable for 2 years after written notice by operator. Adds provision that interest shall not apply when mineral owner or assignee elects to take in kind or where mineral owner or assignee cannot be located after reasonable inquiry.
- Status: Marlatt removed as author. Allen added as author.
- SB 768 Carry over from 2017. Amends 2011 Shale Reservoir Development Act to require the plan of development of any shale reservoir include the condition under which the proposed unit will terminate.
- Status: Marlatt removed as author. Allen added as author.
- SB 794 Carry over from 2017. Amends jurisdiction of OCC; substances allowed to be injected into Class II well must be "from Oklahoma."

such housing authority to construct single family dwellings or multifamily dwellings on such property.

Status: No 2018 activity.

HB 1722 Carry over from 2017. Changes consent required for purchase of real property by the United States from consent of the Legislature to both houses of the Legislature and the Governor.

Status: No 2018 activity.

HB 1852 Carry over from 2017. Empowers Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate to approve transactions to sell, lease, transfer, etc., any or all of the property of the Grand River Dam Authority. Removes provision limiting lands transferred to any entity other than a public authority.

Status: No 2018 activity.

SB 509 Carry over from 2017. Includes wind and battery storage plants in types of plants Grand River Dam Authority can acquire an interest in. Allows Authority to enter into notes, loans, commercial paper and credit or liquidity support. Amends how and when directors are elected. Amends deposit funds requirements.

Status: No 2018 activity.

SB 75 Carry over from 2017. Amends the scenic river designation for the Illinois River from above "its confluence with the Barron Fork Creek" to above "the Horseshoe Bend Public Use Area Boat Ramp of Tenkiller Ferry Lake."

Status: No 2018 activity.

Tax

SB 1059 Changes the definition of "assessed value" regarding ad valorem taxes and changes notice requirements.

Status: Referred to Appropriations Subcommittee Finance.

SB 1160 Mineral interests to be taxed in similar manner to gross production tax. Tax to be collected by OTC. If minerals are taken for failure to pay tax, surface owner (if different than mineral owners) has right of first refusal to purchase.

Status: Referred to Appropriations Subcommittee Finance.

Title Companies

HB 1826 Carry over from 2017. Requires title company to provide certified copies of all recorded covenants and restrictions to the buyer as part of the closing (previously was upon request of the buyer).

Status: No 2018 activity.

Status: Second reading referred to Energy.

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With special thanks to Ryan Schaller for his forms and guidance.