

TITLE 385. DEPARTMENT OF THE COMMISSIONERS OF THE LAND OFFICE
CHAPTER 1. ADMINISTRATIVE ORGANIZATION AND OPERATIONS

385:1-1-1. Purpose

The rules of this Chapter ~~reflect the Constitutional and statutory authority that created this agency and states the duties and responsibilities mandated by the same. The rules of this Chapter also reflect the organizational structure of this agency which includes the pertinent divisions of responsibilities and where the general public may obtain information regarding activities and actions of this agency that may impact their interests.~~ provide the public with information concerning the structure and operation of the Commissioners of the Land Office.

385:1-1-2. Commissioners

The Commissioners of the Land Office ~~of the State of Oklahoma hereinafter designated as Commissioners or Commission, as a body constitute an executive, administrative department of the State, which as such has charge of the sale, rental, disposal, and management of the school lands, and other lands of the public domain of the State, and of the funds and proceeds derived therefrom. Under the Constitution and statutes of the State, five high officers constitute the Commissioners, namely:~~ is an agency of the State of Oklahoma and may be referred to as the "Land Office". The Governor, the Lieutenant Governor, the State Auditor and Inspector, the Superintendent of Public Instruction, and the President of the Board of Agriculture constitute the board for the Commissioners of the Land Office. ~~They are charged with duties as Commissioners in addition to the usual functions of the offices to which they are elected or appointed. See 64O.S. §§1001 and 1002. As Commissioners of the Land Office of the State they function as a body and not as individuals. The Governor is~~ shall be the ex-officio chairman of the body and a vice-chairman ~~is~~ shall be selected from the other members to perform duties prescribed by the Oklahoma Constitution and statute ~~and by parliamentary rules.~~

385:1-1-3. Office of the Secretary

The Land Office ~~is~~ shall be administered by a Secretary, ~~who is~~ appointed by the Governor with the advice and consent of the Commissioners. ~~It is the duty of the Secretary, under the supervision of the Commissioners, to execute the laws pertaining to the Land Office and the~~

~~rules and regulations promulgated by the Commissioners. He exercises~~ The Secretary shall exercise direct supervision over the several divisions of the ~~Department~~ Land Office.

385:1-1-4. Authorization to adopt rules and regulations [REVOKED]

~~As such constituted body, the Commissioners are an agency within the definition of Section 250.3 of Title 75. They are authorized to make rules and regulations and to formulate orders for the proper protection and preservation of the lands and funds under their control and the accomplishment of the purposes for which the Department known as the Commissioners of the Land Office has been established.~~

385:1-1-5. Meeting location; quorum

All meetings of the Commissioners shall be held at the State Capitol building or at a different location, as announced. ~~Any three Commissioners at a meeting are a quorum and thereby constitute a lawful meeting; however, a concurrence of three members in a proposed action is necessary to make such action legal; provided, further, that no legal action taken at a previous meeting can be rescinded, annulled or substantially amended, except by a three-fifths (3/5) vote of the full membership of the Commissioners [64 O.S. § 1034].~~ Any three Commissioners present shall constitute a quorum. The Commissioners as a an official body ~~are often called~~ may be referred to as "The Board" or "The Commission.", ~~and, when so designated, are so considered in their official actions as a body.~~

385:1-1-6. Land Office divisions

~~For the effective operation of its integrated activities, the~~ The Land Office has been shall be divided into divisions ~~under the following classifications: Administrative, Real Estate Management, Minerals Management, Royalty Compliance and Financial Services, each of which operates under the general rules of the Legislature and the Land Office, but also under rules particularly relating to its own function. By statute, the positions in the Department are made interchangeable among and between several divisions at the will and~~ at the discretion of the Secretary.

385:1-1-7. Responsibilities of division directors [REVOKED]

~~Each division is under the supervision of a division Director. It is his or her duty to see that the work of his or her division is carried forward, and that the orders and action taken by the Commissioners concerning his or her division are enforced, to make reports to the Commission of the status of his or her division, and to present any matters which require the official action of the Commissioners. He or she has no independent authority to bind the Commissioners.~~

385:1-1-8. Requests for information

~~Information as to Departmental matters in which any person is interested may be obtained by either oral or written request made to the Secretary. All written communications should be addressed to "The Commissioners of the Land Office of Oklahoma." Any matter upon which a person is interested in obtaining a formal ruling should be presented by a petition headed by the designation: "Before the Commissioners of the Land Office of the State of Oklahoma. In the Matter of _____": It should be stated briefly the matter upon which a decision is requested, and whether the request is opposed by someone who should be notified of the time and place for hearing. Upon receipt of such petition, a date the matter can be heard by the Commissioners will be fixed and a hearing had under the rules prescribed by Title 75, O. S., 1971, Section 309 and following. The rights given by such Sections shall be preserved, including the right of review by a District Court.~~

(a) The Land Office shall keep and maintain records as required by law and shall release or allow public inspection of records, which are not privileged or confidential, in response to a properly submitted open records request.

(b) The Land Office shall permit the filing of a petition for declaratory ruling as to the applicability of any rule or order of the Land Office and shall consider such petitions at a regular or special meeting of the Commissioners of the Land Office.

385:1-1-9. Hearings [REVOKED]

~~All hearings before the Commissioners shall be in accordance with the following:~~

~~(1) **Place and members.** Unless otherwise ordered, all hearings shall be:~~

~~(A) held at a designated time and place as announced by the Commissioners of the Land Office;~~

- (B) ~~conducted by the Commissioners assembled as an official body, presided over by the chairman or by vice chairman; and~~
- (C) ~~shall be open to the public.~~
- (2) ~~**Subpoenas.** The Commissioners may direct the Secretary to issue subpoenas for the attendance of a party or any witness at a hearing. Subpoenas so issued may be in the form in general use for civil proceedings in the courts of the State, and on similar terms.~~
- (3) ~~**Record of proceedings.** Upon request of an interested party or by request of the Commissioners, proceedings in a contested case shall be taken down by a court reporter and a transcript including exhibits, shall be an official record of the proceedings. A party desiring a copy may obtain a copy by paying the cost.~~
- (4) ~~**Procedures for individual proceedings.** The procedure applicable to individual proceedings shall be that provided in Title 75 Sections 309 to 323.~~

385:1-1-10. Minutes of meetings [REVOKED]

~~Minutes are kept of the official meetings of the Commissioners. Transcripts are bound in chronological order and are open for public inspection at the office of the Commissioners of the Land Office. The minutes contain the record of statements of policy, interpretations formulated, adopted or used by the agency, as well as opinions, decisions and orders.~~

385:1-1-11. Rules and regulations [REVOKED]

~~The Rules and Regulations which designate the manner in which the action of the Commissioners may be invoked in relation to the sale of oil and gas leases and the leasing or sale of school lands are set forth under the Rules and Regulations pertaining to the respective divisions in charge of such activities. Copies of such rules will be furnished on request.~~

385:1-1-12. Schedule of fees

Fees for services rendered by the Department of the Commissioners of the Land Office A schedule of fees shall be adopted by ~~Resolution~~ formal resolution of the Commissioners of the Land Office.

385:1-1-13. Official business residence and website [REVOKED]

~~The Land Office's official business residence is 120 N. Robinson, Suite 1000W, Oklahoma City, Oklahoma 73102. The Land Office's official website is www.clo.ok.gov.~~