

SHORT TITLE: Fees; allowing county assessors to exercise proprietary authority over its information system; codification; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 691

By: Weedn and Smith

AS INTRODUCED

An Act relating to county assessor's fees; requiring county assessors to exercise certain authority; granting certain authority to county assessors; providing that certain use of data shall not constitute resale or use of data for trade or commercial purposes; defining terms; specifying fees for certain products and services; construing section of law; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 62 of Title 28, unless there is created a duplication in numbering, reads as follows:

A. The county assessor shall, in the name of the office of the county assessor, exercise proprietary authority over the county assessor information management system which includes, but is not limited to, computer software and databases, and may provide electronic products and services and may license all such software, databases and electronic products.

B. The assessor may, in the name of the office of the county assessor, elect to establish a jointly owned and managed database, geographic information system, image management system, or other information management system with other public bodies and may enter

into contracts under which the participating public bodies share one or more of the following aspects of an information management system: use, capital costs, staff costs, system implementation, data conversion or maintenance duties.

C. The assessor may elect to license rights to disseminate all or part of a database or to provide electronic products or services to an individual, a nonprofit or for-profit corporation or a government agency, and may enter into contracts and technology licensing agreements necessary to establish such relationships. Exclusive licensing arrangements shall be subject to the competitive bidding procedures as provided by the Oklahoma Central Purchasing Act, Section 85.1 et seq. of Title 74 of the Oklahoma Statutes. Such licensing agreements shall not restrict the assessor from providing any public records directly to any requesting individual or organization as provided by the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes, at the costs specified in this section.

D. The assessor may, in the name of the office of the county assessor, enforce license agreements for databases, electronic products and software and shall limit liability through warranty disclaimers or other appropriate contract provisions with customers and may enter into agreements for data maintenance or other like services in lieu of user fees.

E. 1. The assessor shall charge and collect the following fees for reproduction of identifiable records which are digitally stored in computer systems and are reproduced on electronic media currently available to the assessor and in any format currently used in the assessor's office:

Fifty Dollars (\$50.00) per request plus:

- a. five cents (\$0.05) per identifiable record for the first twenty-five thousand (25,000) records,

- b. two cents (\$0.02) per identifiable record for the next seventy-five thousand (75,000) records,
- c. one cent (\$0.01) per identifiable record for the next one hundred thousand (100,000) records,
- d. two-tenths of one cent (\$0.002) per additional identifiable record over two hundred thousand (200,000), and
- e. the cost of the electronic media used.

2. When two or more types of records are delivered in a single request, the aggregate total number of records shall be used to determine the quantity pricing.

3. For purposes of this section, "identifiable record" means information about a single parcel or property, including, but not limited to:

- a. administrative or ownership records for real or personal property which typically include property description, ownership, assessed value and taxing jurisdictions,
- b. computer-assisted mass appraisal (CAMA) records for real property which typically include size, age, construction, class and condition of a building; land records for agricultural properties which typically include a breakdown of the land by soil type and use; and sales records for real property which typically include grantee, grantor, sale date, documentary stamps or other evidence of price and type of instrument, and
- c. mapping records for real property which typically include a polygon representing that property on the earth and other geographical features found on cadastral maps.

Notwithstanding any provisions of this section, nothing shall require assessors to maintain any particular records, types of records or content of records.

F. The assessor shall charge a reasonable fee for electronic products and services as defined in this section. The fees shall be based on the cost of labor, computer access time and materials necessary to produce the product or provide the service. The assessor shall also include the costs of equipment, facilities and software used and the costs to acquire, create and maintain the databases used to produce the product or provide the service. The assessor shall also include any exceptional costs incurred to satisfy special requests, including but not limited to the cost of any proprietary software or custom programming for conversion to a nonstandard format, processing of information, or the cost of any physical connection to the computer system for on-line access in electronic form. Nothing herein requires the provision of electronic products or services as defined in this section.

G. Publication in a newspaper or broadcast by news media for news purposes shall not constitute a resale or use of data for trade or commercial purposes.

H. "Electronic products and services" means computer-related products or services provided by the assessor and includes but is not limited to the following:

1. Searching for or selecting individual records using standard or customized criteria, sorting records into a requested order, or selecting requested information from the records;

2. Electronic manipulation of data contained in public records in order to tailor the data to a customer's request or to develop a new information product that did not previously exist;

3. Duplicating public records in alternative forms or formats not used by the assessor;

4. Providing periodic or on-request updates of an electronic file or database or duplicating an electronic file or database;

5. Providing on-line access to an electronic file or database;

6. Providing information that cannot be retrieved or generated by the assessor's existing computer software;

7. Providing functional electronic access to the information system of the assessor. In this subsection "functional access" includes the capability for alphanumeric query and printing, graphic query and plotting;

8. Providing licenses to operating or application software developed by the assessor or in which the assessor has a proprietary interest; and

9. Generating electronically produced maps, aerial photographs, photographic images, listings, reports, and analyses or other standard or customized products on electronic media from an electronic geographic information system, database management system, or image management system.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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