

SB 1826

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THE STATE SENATE
Tuesday, February 28, 2006

Senate Bill No. 1826
As Amended

SENATE BILL NO. 1826 - By: LASTER of the Senate and BILLY of the House.

[counties and county officers - Preservation and
Accessibility of County Records Act - codification -
effective date -
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 284.1 of Title 19, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Preservation and Accessibility of County Records Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 284.2 of Title 19, unless there is created a duplication in numbering, reads as follows:

The Legislature hereby finds that the books, records, deeds, maps, and papers filed of record including indices in the county clerk's offices of this state are in desperate need of preservation measures. The Legislature further finds that many counties of this state are without necessary funding to take measures to adequately preserve those records and it is the intent of the Legislature to

1 provide such funding. It is the further intent of the Legislature
2 to provide funding to the counties of this state to increase
3 accessibility of the records filed in the applicable county clerk's
4 office to the citizens of this state through the use of the
5 Internet.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 284.3 of Title 19, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Subject to the availability of funds in the Preservation and
10 Accessibility of County Records Revolving Fund created in Section 6
11 of this act, monies may be paid to counties that have fifty thousand
12 (50,000) or less documents filed per calendar year upon approval by
13 the State Auditor and Inspector of a written plan submitted by the
14 county for expenditure of the monies as required under this act.

15 B. There is hereby created a revolving fund in each county
16 receiving funds under this act. Each such revolving fund shall be
17 designated for the purposes provided in this act and shall consist
18 of all monies received pursuant to this act. Monies in such funds
19 shall only be expended for the purposes specifically designated as
20 required by this section. The revolving fund shall be a continuing
21 fund, not subject to fiscal year limitations.

22 C. Counties applying for monies under this act shall submit a
23 written plan, signed by the county clerk, itemizing all planned

1 expenditures, including specifications of all hardware, software,
2 personal services, and training to be purchased. Such expenditures
3 must be for the purposes provided in Section 4 of this act.
4 Counties making application shall submit written plans for
5 expenditure of the monies prior to January 31, 2007.

6 D. Monies paid to a county shall be in accordance with the
7 written plan provided in paragraph C of this section. No additional
8 monies shall be paid to a county until the county has provided
9 documentation that Phase I or Phase II of the schedule, whichever is
10 applicable, has been completed.

11 E. Counties shall be free to expend monies received pursuant to
12 this act on hardware, software, personal services, and training that
13 best fits the needs of each individual county; provided, all
14 purchases shall be made in accordance with the provisions of the
15 County Purchasing Act.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 284.4 of Title 19, unless there
18 is created a duplication in numbering, reads as follows:

19 The Office of State Finance shall expend monies from the
20 Preservation and Accessibility of County Records Revolving Fund to
21 approved counties according to the following schedule:

22 Phase I - Purchasing and/or Leasing of Equipment for the
23 Electronic Archiving of Records:

Annual County Document Filings	Maximum Distribution
Less than 10,000	\$50,000.00
10,001 to 20,000	\$30,000.00
20,001 to 50,000	\$10,000.00

Recipient counties shall make expenditures pursuant to Phase I by June 30, 2008.

Phase II - Electronic Archiving of Records filed after December 31, 1981:

Annual County Document Filings	Maximum Distribution Per Year
Equal to or less than 50,000	\$40,000.00

Recipient counties shall make expenditures pursuant to Phase II by June 30, 2012. Counties shall receive the distribution each year from July 1, 2008, to June 30, 2012.

Phase III - Electronic Archiving of Records filed prior to January 1, 1982:

Annual County Document Filings	Maximum Distribution Per Year
Equal to or less than 50,000	\$20,000.00

Recipient counties shall make expenditures pursuant to Phase III by June 30, 2016. Counties shall receive the distribution each year from July 1, 2012 to June 30, 2016.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 284.5 of Title 19, unless there
3 is created a duplication in numbering, reads as follows:

- 4 A. Effective July 1, 2016, each county clerk in this state:
- 5 1. Shall electronically archive all documents filed of record;
 - 6 2. May provide access to all documents filed of record via
7 Internet at the discretion of each county clerk;
 - 8 3. Shall comply with the fee schedule provided in Section 8 of
9 this act; and
 - 10 4. Shall abide by the rules promulgated by the Oklahoma
11 Archives and Records Commission.

12 B. Provided, this section shall not be effective unless the
13 Legislature has fully funded the Preservation and Accessibility of
14 County Records Revolving Fund as provided in Section 6 of this act.

15 SECTION 6. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 284.6 of Title 19, unless there
17 is created a duplication in numbering, reads as follows:

18 There is hereby created in the Office of State Finance a
19 revolving fund to be designated the "Preservation and Accessibility
20 of County Records Revolving Fund". The fund shall be a continuing
21 fund, not subject to fiscal year limitations, and shall consist of
22 all monies received by the Office of State Finance, which are
23 specifically required by law to be deposited in the fund. All

1 monies accruing to the credit of such fund are hereby appropriated
2 and shall be budgeted and distributed by the Office of State Finance
3 as directed under the provisions of this act. Expenditures from the
4 fund shall be made upon warrants issued by the State Treasurer
5 against claims filed as prescribed by law with the Director of State
6 Finance for approval and payment.

7 SECTION 7. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 284.7 of Title 19, unless there
9 is created a duplication in numbering, reads as follows:

10 A. There is hereby created the Preservation and Accessibility
11 of County Records Advisory Committee. The Advisory Committee shall
12 consist of five (5) members. Four (4) members shall be county
13 clerks appointed by the Executive Board of the Oklahoma County
14 Clerk's Association or its successor association. Each county clerk
15 appointed shall represent one of the following counties:

16	County	Annual County Document Filings
17	1	Less than 10,000
18	2	10,001 to 20,000
19	3	20,001 to 50,000
20	4	More than 50,000

21 The appointments shall be for three-year terms. Members shall
22 continue to serve until their successors are appointed. Any vacancy
23 shall be filled in the same manner as the original appointments.

1 The remaining member shall be the State Auditor and Inspector, or
2 designee, who shall serve an unexpiring term.

3 B. The Advisory Committee shall annually elect a chair and
4 vice-chair from among its members. The members of the Advisory
5 Committee shall serve without compensation, except for travel
6 expenses allowable by statute.

7 C. It shall be the duty of the Advisory Committee to provide
8 assistance to and monitoring of counties receiving monies out of the
9 fund created in Section 6 of this act. These duties shall include,
10 but not be limited to, monitoring counties for compliance with the
11 rules of the Oklahoma Archives and Records Commission, reviewing
12 written plans submitted by counties pursuant to the provisions of
13 this act, advising counties on the spending requirements of monies
14 received pursuant to this act, and reporting to the counties on
15 monies available pursuant to this act.

16 SECTION 8. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 284.8 of Title 19, unless there
18 is created a duplication in numbering, reads as follows:

19 The following fee schedule shall apply to the printing and
20 copying of electronic records filed with a county clerk:

- | | | |
|----|-------------------------------|-----------------|
| 21 | 1. Printing of records | \$1.00 per page |
| 22 | 2. CD/DVD or other electronic | |
| 23 | storage device | 0.00 |

