

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2832

By: Billy

AS INTRODUCED

An Act relating to county records; enacting the Preservation and Accessibility of County Records Act; providing for payment of available money to certain counties that file a certain number of documents per year; creating county revolving funds in each county; providing application method; providing for expenditures; directing the Office of State Finance to expend monies from certain fund; directing each county clerk to maintain documents by certain methods upon certain date; creating certain fund to be administered by the Office of State Finance; providing for expenditure; creating certain committee; providing for membership; providing terms and successors; providing duties; providing certain fee schedule; providing for codification; providing an effective date; 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 310 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 311 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. Subject to the availability of funds in the Preservation and Accessibility of County Records Revolving Fund created in Section 5 of this act, monies may be paid to counties that have fifty thousand or less documents filed per calendar year upon approval by the State Auditor and Inspector of a written plan submitted by the county for

expenditure of the monies as required under the Preservation and Accessibility of County Records Act.

B. There is hereby created a revolving fund in each county qualifying for funds under the Preservation and Accessibility of County Records Act. Each revolving fund shall be designated for the purposes provided in the Preservation and Accessibility of County Records Act and shall consist of all monies received pursuant to the act. Monies in the funds shall only be expended for the purposes specifically designated as required by this section. The revolving fund shall be a continuing fund, not subject to fiscal year limitations.

C. Counties applying for monies under the Preservation and Accessibility of County Records Act shall submit a written plan, signed by the county clerk, itemizing all planned expenditures, including specifications of all hardware, software, personal services, and training to be purchased. Such expenditures shall be for the purposes provided in Section 3 of the Preservation and Accessibility of County Records Act. Counties making application shall submit written plans for expenditure of the monies prior to January 31, 2007.

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

E. Counties shall be free to expend monies received pursuant to the Preservation and Accessibility of County Records Act on hardware, software, personal services, and training that best fits the needs of each individual county; provided, all purchases shall be made in accordance with the provisions of the purchasing procedures for counties, Section 1501 et seq. of Title 19 of the Oklahoma Statutes.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 312 of Title 19, unless there is created a duplication in numbering, reads as follows:

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

Phase I - Purchasing and/or Leasing of Equipment for the Electronic Archiving of Records.

<u>Annual County Document Filings</u>	<u>Maximum Distribution</u>
Less than 10,000	\$50,000
10,001 to 20,000	\$30,000
20,001 to 50,000	\$10,000

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

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

<u>Annual County Document Filings</u>	<u>Maximum Distribution Per Year</u>
Equal to or less than 50,000	\$40,000

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.

<u>Annual County Document Filings</u>	<u>Maximum Distribution Per Year</u>
Equal to or less than 50,000	\$20,000

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 313 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. Effective July 1, 2016, each county clerk in this state:

1. Shall electronically archive all documents filed of record;
2. May provide access to all documents filed of record via internet at the discretion of each county clerk;
3. Shall comply with the fee schedule provided in Section 7 of this act; and
4. Shall abide by the rules promulgated by the Archives and Records Commission.

B. Provided, this section shall not be effective unless the Legislature has fully funded the Preservation and Accessibility of County Records Revolving Fund as provided in Section 3 of the Preservation and Accessibility of County Records Act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 314 of Title 19, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the Office of State Finance a revolving fund to be designated the "Preservation and Accessibility of County Records Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Office of State Finance, which are specifically required by law to be deposited in the fund. All monies accruing to the credit of such fund are hereby appropriated and shall be budgeted and distributed by the Office of State Finance as directed under the provisions of the Preservation and Accessibility of County Records Act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 315 of Title 19, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Preservation and Accessibility of County Records Advisory Committee. The committee shall consist

of five (5) members. Four members shall be county clerks appointed by the Executive Board of the County Clerk's Association of Oklahoma or its successor association. Each county clerk appointed shall represent one of the following counties:

<u>County</u>	<u>Annual County Document Filings</u>
1	Less than 10,000
2	10,001 to 20,000
3	20,001 to 50,000
4	More than 50,000

The appointments shall be for three-year terms. Members shall continue to serve until their successors are appointed. Any vacancy shall be filled in the same manner as the original appointments. The remaining member shall be the State Auditor and Inspector, or designee, who shall serve an unexpiring term.

B. The Advisory Committee shall annually elect a chair and vice-chair from among its members. The members of the committee shall serve without compensation, except for travel expenses allowable by the State Travel Reimbursement Act.

C. It shall be the duty of the committee created herein to provide assistance to and monitoring of counties receiving monies out of the fund created in Section 5 of the Preservation and Accessibility of County Records Act. These duties shall include, but not be limited to, monitoring counties for compliance with the rules of the Archives and Records Commission, reviewing written plans submitted by counties pursuant to the provisions of the Preservation and Accessibility of County Records Act, advising counties on the spending requirements of monies received pursuant to the act, and reporting to the counties on monies available pursuant to the Preservation and Accessibility of County Records Act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 316 of Title 19, unless there is created a duplication in numbering, reads as follows:

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

1. Printing of records shall be One Dollar (\$1.00) per page;
2. CD/DVD other electronic storage device:

One hundred images or less Twenty-five Dollars (\$25.00), and for each image above one hundred, twenty-five cents (\$0.25) per image, plus the cost of the CD/DVD or other electronic storage device.

Viewing of data or records shall be at the discretion of each county clerk.

SECTION 8. This act shall become effective July 1, 2006.

SECTION 9. 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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