

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1826

By: Laster

AS INTRODUCED

An Act relating to counties and county officers; creating the Preservation and Accessibility of County Records Act; providing short title; stating intent; creating the Preservation and Accessibility of County Records Revolving Fund; requiring approval of written plan for expenditures of certain monies; authorizing counties to expend monies for certain services; authorizing the Office of State Finance to expend monies to certain counties; requiring certain schedule for expending monies; requiring the county clerk to follow certain procedures; authorizing certain appropriations to certain fund; creating the Preservation and Accessibility of County Records Advisory Committee; creating membership; stating duties; setting fees; authorizing the State Auditor and Inspector to promulgate rules to enforce act; 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 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 provide such funding. It is the further intent of the Legislature

to provide funding to the counties of this state to increase accessibility of the records filed in the applicable county clerk's office to the citizens of this state through the use of the Internet.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 284.3 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 6 of this act, monies may be paid to counties that have fifty thousand (50,000) 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 this act.

B. There is hereby created a revolving fund in each county receiving funds under this act. Each such revolving fund shall be designated for the purposes provided in this act and shall consist of all monies received pursuant to this act. Monies in such 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 this 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 must be for the purposes provided in Section 4 of this 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 paragraph 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 this 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 County Purchasing Act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 284.4 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:

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.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 284.5 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 8 of this act; and

4. Shall abide by the rules promulgated by the Oklahoma 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 6 of this act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 284.6 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 this 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 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 284.7 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 Advisory Committee shall consist of five (5) members. Four (4) members shall be county clerks appointed by the Executive Board of the Oklahoma County Clerk's Association or its successor association. Each county clerk appointed shall represent one of the following counties:

County	Annual County Document Filings
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 Advisory Committee shall serve without compensation, except for travel expenses allowable by statute.

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

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 284.8 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:

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| 1. Printing of records | \$1.00 per page |
| 2. CD/DVD or other electronic storage device | 0.00 |
| 100 images or less | \$25.00 |
| 101 images or more | \$0.25 per image |

Plus the cost of the CD/DVD or other electronic storage device.

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

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 284.9 of Title 19, unless there is created a duplication in numbering, reads as follows:

Authority is hereby given to the State Auditor and Inspector to promulgate all necessary rules and regulations for the purpose of implementing and enforcing the provisions of this act.

SECTION 10. This act shall become effective July 1, 2006.

SECTION 11. 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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