

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1453

6 By: Johnson (Rob)

7 COMMITTEE SUBSTITUTE

8 (counties and county officers - Preservation and
9 Accessibility of County Records Act - authorizing
10 counties to expend monies for certain services -
11 authorizing the Office of State Finance to expend
12 monies to certain counties - Preservation and
13 Accessibility of County Records Revolving Fund -
14 codification - effective date -
15 emergency)

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 284.1 of Title 19, unless there
21 is created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the "Preservation
23 and Accessibility of County Records Act".
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 284.2 of Title 19, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Legislature hereby finds that the books, records, deeds,
5 maps, and papers filed of record, including indexes in the county
6 clerks' offices of this state, are in desperate need of preservation
7 measures. The Legislature further finds that many counties of this
8 state are without necessary funding to take measures to adequately
9 preserve those records, and it is the intent of the Legislature to
10 provide such funding to be used exclusively for electronic archiving
11 of records. As used in this act, "electronic archiving" shall mean
12 digitizing of all records in the county clerks' offices of this
13 state to include reception records, direct-indirect indexes, and
14 tract indexes.

15 B. It is the intent of the Legislature that the documents shall
16 be indexed and retrievable in the following manner:

17 1. Individually or in groups by book or page or by grantor or
18 grantee, or reception record; and

19 2. By legal description to include section, township and range.

20 Such documents shall be available electronically or by DVD/CD and
21 provided to the party in a timely manner. It is the further intent
22 of the Legislature to provide funding to the counties of this state
23 to increase accessibility of the records filed in the applicable
24 county clerk's office to the citizens of this state.

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

4 A. Subject to the availability of funds in the Preservation and
5 Accessibility of County Records Revolving Fund created in Section 6
6 of this act, monies may be paid to counties that have fifty thousand
7 (50,000) or less documents filed per calendar year upon approval by
8 the State Auditor and Inspector of a written plan submitted by the
9 county for expenditure of the monies as required under this act.

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

17 C. Counties applying for monies under this act shall submit a
18 written plan as approved by the State Auditor and Inspector, signed
19 by the county clerk, itemizing all planned expenditures, including
20 specifications of all hardware, software, personal services, service
21 contracts, and training to be purchased. Such expenditures must be
22 for the purposes provided in Section 4 of this act. Counties making
23 application shall submit written plans for expenditure of the monies
24 prior to January 31, 2008.

1 D. Monies paid to a county shall be in accordance with the
2 written plan provided in subsection C of this section. No
3 additional monies shall be paid to a county until the county has
4 provided documentation that Phase I or Phase II of the schedule, as
5 set forth in Section 4 of this act, whichever is applicable, has
6 been completed.

7 E. Counties may expend monies received pursuant to this act on
8 hardware, software, personal services, service contracts, and
9 training; provided, all purchases shall be made in accordance with
10 the provisions of the County Purchasing Act.

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

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

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

19 Annual County Document Filings	Maximum Distribution
20 Less than 10,000	\$50,000.00
21 10,001 to 20,000	\$30,000.00
22 20,001 to 50,000	\$10,000.00

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1 Recipient counties shall make expenditures pursuant to Phase I by
2 June 30, 2009. Such funding will be contingent based upon filing at
3 time the plan is submitted.

4 Phase II - Electronic Archiving of Records filed after December
5 31, 1981:

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

9 Recipient counties shall make expenditures pursuant to Phase II by
10 June 30, 2013. Counties shall receive the distribution each year
11 from July 1, 2009, to June 30, 2013.

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

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

17 Recipient counties shall make expenditures pursuant to Phase III by
18 June 30, 2017. Counties shall receive the distribution each year
19 from July 1, 2013, to June 30, 2017.

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

23 A. Effective July 1, 2017, each county clerk in this state
24 shall electronically archive all documents filed of record.

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

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

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

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

22 The State Auditor and Inspector shall promulgate all necessary
23 rules for the purpose of implementing and enforcing the provisions
24 of this act.

1 SECTION 8. This act shall become effective July 1, 2007.

2 SECTION 9. It being immediately necessary for the preservation
3 of the public peace, health and safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

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7 51-1-7210 LRB 02/14/07