

EHB 1453

THE STATE SENATE  
Monday, April 7, 2008

ENGROSSED

House Bill No. 1453

As Amended

ENGROSSED HOUSE BILL NO. 1453 - By: Johnson (Rob) of the House and Garrison of the Senate.

( counties and county officers - Preservation and Accessibility of County Records Act - authorizing counties to expend monies for certain services - authorizing the Office of State Finance to expend monies to certain counties - Preservation and Accessibility of County Records Revolving Fund - 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:

A. The Legislature hereby finds that the books, records, deeds, maps, and papers filed of record, including indexes in the county clerks' offices of this state, are in desperate need of preservation measures. The Legislature further finds that many counties of this

1 state are without necessary funding to take measures to adequately  
2 preserve those records, and it is the intent of the Legislature to  
3 provide such funding to be used exclusively for electronic archiving  
4 of records. As used in this act, "electronic archiving" shall mean  
5 digitizing of all records in the county clerks' offices of this  
6 state to include reception records, direct-indirect indexes, and  
7 tract indexes.

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

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

12 2. By legal description to include section, township and range.  
13 Such documents shall be available electronically or by DVD/CD and  
14 provided to the party in a timely manner. It is the further intent  
15 of the Legislature to provide funding to the counties of this state  
16 to increase accessibility of the records filed in the applicable  
17 county clerk's office to the citizens of this state.

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

21 A. Subject to the availability of funds in the Preservation and  
22 Accessibility of County Records Revolving Fund created in Section 6  
23 of this act, monies may be paid to counties that have fifty thousand

1 (50,000) or less documents filed per calendar year upon approval by  
2 the State Auditor and Inspector of a written plan submitted by the  
3 county for expenditure of the monies as required under this act.

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

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

19 D. Monies paid to a county shall be in accordance with the  
20 written plan provided in subsection C of this section. No  
21 additional monies shall be paid to a county until the county has  
22 provided documentation that Phase I or Phase II of the schedule, as

1 set forth in Section 4 of this act, whichever is applicable, has  
2 been completed.

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

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

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

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

15 Annual County Document Filings	Maximum Distribution
16 Less than 10,000	\$50,000.00
17 10,001 to 20,000	\$30,000.00
18 20,001 to 50,000	\$10,000.00

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

22 Phase II - Electronic Archiving of Records filed after December  
23 31, 1981:

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

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

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

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

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

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

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

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

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

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

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

19 The State Auditor and Inspector shall promulgate all necessary  
20 rules for the purpose of implementing and enforcing the provisions  
21 of this act.

22 SECTION 8. This act shall become effective July 1, 2008.

1           SECTION 9. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.  
5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-2-08 - DO  
6 PASS, As Amended.