SENATE FLOOR VERSION
February 23, 2015

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 213 By: Bice

An Act relating to county clerks; amending 19 O.S. 2011, Section 245, as amended by Section 1, Chapter 360, O.S.L. 2013 (19 O.S. Supp. 2014, Section 245), which relates to county records; stating construction of statute relating to certain digital county records; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 245, as amended by Section 1, Chapter 360, O.S.L. 2013 (19 O.S. Supp. 2014, Section 245), is amended to read as follows:

Section 245. A. It shall be the duty of the county clerk to designate upon every account, which shall be audited and allowed by the board, the amount so allowed, and the clerk shall deliver to any person a copy certified or otherwise of any record in the clerk's office and any account on file thereon, upon receiving the fee allowed pursuant to the Oklahoma Open Records Act or the county clerk fee schedule, Section 32 of Title 28 of the Oklahoma Statutes, for every page contained in the copy. Upon demand, the clerk shall furnish a certified copy in the form as it exists and at the

preference of the requestor as provided by the Oklahoma Open Records Act or the county clerk fee schedule.

B. If the clerk ~~provides~~ possesses or maintains records in an electronic format, the clerk shall make such records available to the public and may charge a reasonable fee for providing such records. For purposes of this section, "reasonable fee" shall mean the fee being charged by the clerk as of January 1, 2013, but shall not exceed twenty-five cents ($0.25) per page or fifteen cents ($0.15) per page for providing more than three thousand five hundred pages in an electronic format. All recording devices for providing records in an electronic format shall be supplied by the county clerk. News media obtaining records in an electronic format for a news purpose and licensed abstractors performing their duties pursuant to state law shall be exempt from the fees provided for in this subsection. Nothing in this section shall be construed to allow county clerks to provide all or part of a tract index for use in any commercial purpose, nor shall this section be construed to prohibit access to, and the use or dissemination of digital images of other records for commercial purposes.

SECTION 2. 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.

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
February 23, 2015 - DO PASS AS AMENDED