

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 55th Legislature (2016)

4   ENGROSSED SENATE  
5   BILL NO. 1156

By: Dahm of the Senate

and

Cockroft of the House

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8  
9           An Act relating to county officers and public  
10   records; amending 19 O.S. 2011, Section 130.3, which  
11   relates to the Commission on County Government  
12   Personnel Education and Training; removing obsolete  
13   language; amending 19 O.S. 2011, Sections 155.1,  
14   155.4, 155.5 and 155.7, which relate to county  
15   records; updating statutory language regarding  
16   reproduction and storage of certain county records;  
17   updating statutory reference; and amending 19 O.S.  
18   2011, Section 174.1, which relates to county audits;  
19   requiring publication on certain websites; and  
20   providing an effective date.

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

22           SECTION 1.       AMENDATORY       19 O.S. 2011, Section 130.3, is  
23   amended to read as follows:

24           Section 130.3. ~~The Commission shall meet within sixty (60) days~~  
~~after the effective date of this act.~~ The President of Oklahoma  
State University or his or her designee shall serve as chair of the  
Commission on County Government Personnel Education and Training.

1 After the first meeting, the Commission shall meet as it deems  
2 necessary or when called by the chair or by any three members.  
3 Three members shall constitute a quorum and no official action shall  
4 be taken by the Commission unless there is a quorum present.

5 The representative of the County Officers Association shall be  
6 reimbursed for mileage and per diem in accordance with the State  
7 Travel Reimbursement Act when attending Commission meetings or other  
8 activities associated with his or her duties. Other Commission  
9 members shall not be reimbursed.

10 SECTION 2. AMENDATORY 19 O.S. 2011, Section 155.1, is  
11 amended to read as follows:

12 Section 155.1. The county assessor in any county is authorized  
13 to destroy any of the records which have been on file in his or her  
14 office for more than seven (7) years, including all assessment  
15 rolls, assessment listing sheets relating to tangible or intangible  
16 personal properties, monies and credits, real estate, or corporation  
17 properties, all balance sheets, and all homestead exemption  
18 applications. All records which have been on file in his or her  
19 office for more than two (2) years, prior to the current calendar  
20 year and less than seven (7) years, may be destroyed if compliance  
21 is made with statutes authorizing the ~~microfilming or other~~  
22 ~~reproduction of records and storage of reproductions thereof.~~—A  
23 ~~viewer scope shall be provided, the costs, maintenance and supplies~~  
24 ~~therefor be paid from the county general fund, to accommodate public~~

1 ~~reference to the filmed records.~~ Such reproduction and storage of  
2 records shall be done using any generally accepted current  
3 technology which will ensure safe documentation and accessibility of  
4 public records. The State Library may be given any record which  
5 would be destroyed upon request therefor.

6 SECTION 3. AMENDATORY 19 O.S. 2011, Section 155.4, is  
7 amended to read as follows:

8 Section 155.4. The county treasurer in each county in Oklahoma  
9 is hereby authorized, each year, to destroy the hereinafter  
10 mentioned types of work books, reports and records that have been on  
11 file or stored in his or her office for the period specifically  
12 indicated as follows:

13 1. After the expiration of seven (7) years:

- 14 a mortgage tax receipts;
- 15 b. all records pertaining to personal tax warrants;
- 16 c. personal tax lien docket.

17 2. After the expiration of seven (7) years after the final  
18 settlement:

- 19 a. all tax protest records;
- 20 b. municipal bond and judgment records.

21 3. After the expiration of ten (10) years:

- 22 a. all tax rolls and tax roll adjustments;
- 23 b. all special assessment rolls;
- 24 c. all tax sale and resale records;

1           d.     real property, personal property, special assessments  
2                 and emergency or back tax receipts.

3           4.    After the expiration of seven (7) years, provided that the  
4   State Auditor and Inspector has completed his audit for such years  
5   and has not in his report required the record to be retained for a  
6   longer period of time:

7           a.    all records pertaining to school districts;

8           b.    all bookkeeping records and instruments pertaining to  
9                 apportionment and distribution of monies;

10          c.    warrant registers;

11          d.    miscellaneous income and distribution receipts and  
12                 records;

13          e.    bank statements, deposit tickets, F.D.I.C. documents,  
14                 depository records, reports, checks, purchase orders  
15                 and other bookkeeping records.

16          SECTION 4.        AMENDATORY        19 O.S. 2011, Section 155.5, is  
17   amended to read as follows:

18          Section 155.5.   A.   As to the records that are not destroyed as  
19   provided for in Section ~~2 above~~ 155.2 of this title , the county  
20   treasurer in each county in Oklahoma, after compliance with  
21   provisions of statute as to ~~microfilming~~ reproduction and storage of  
22   records, ~~storing original negatives,~~ and providing for convenient  
23   viewing ~~of reproductions~~ thereof, is hereby authorized, each year,  
24   to destroy the ~~hereinafter mentioned~~ following types of work books,

1 reports and records that have been on file or stored in his or her  
2 office for a period of time longer than the period specifically  
3 indicated, as follows:

4	REQUISITE TIME OF
5	RETAINING
6	TYPE OF RECORD ORIGINAL
7	Tax Rolls and Tax
8	Roll adjustments 6 years
9	Tax Sale and Resale
10	Records 6 years
11	Special Assessment Rolls 6 years after due date
12	Tax Protest Records Until final settlement
13	Tax Receipts
14	Real Property,
15	personal property 7 years
16	Special Assessments,
17	emergency or back
18	assessments, and
19	mortgage tax receipts 2 years
20	Municipal Bond Records 7 years after final
21	settlement
22	Personal Tax, Warrants
23	and Records 2 years
24	

1 B. All the records above described in Section 2, ~~subsection 3~~  
2 155.2 of this title, may be destroyed after two (2) years provided  
3 the same are ~~filmed~~ reproduced and stored as required by law; and  
4 further provided that the State Auditor and Inspector has audited  
5 said records and has not directed such original records to be  
6 retained. Such ~~filmed~~ copied records must be retained until such  
7 time as the original, if it had been retained, would have been seven  
8 (7) years old.

9 SECTION 5. AMENDATORY 19 O.S. 2011, Section 155.7, is  
10 amended to read as follows:

11 Section 155.7. A. County officers may have any or all records  
12 kept by any county office ~~photographed, microphotographed,~~  
13 ~~photostated,~~ reproduced ~~on film or~~ and stored ~~on optical disk.~~ Such  
14 ~~film or reproducing material shall be of durable material and the in~~  
15 any generally accepted manner using current technology. The device  
16 or method used to reproduce such records ~~on film or other material~~  
17 shall be such as to accurately reproduce and perpetuate the original  
18 records in all details.

19 B. The ~~photostatic copy, photograph, microphotograph,~~  
20 ~~photographic film or optical disk~~ reproduced or stored copy of the  
21 original records shall be deemed to be an original record for all  
22 purposes, and shall be admissible in evidence in all court or  
23 administrative agencies. A facsimile, exemplification or certified  
24

1 copy thereof shall, for all purposes recited herein, be deemed to be  
2 a transcript, exemplification or certified copy of the original.

3 C. Whenever such reproduced records shall be placed in  
4 conveniently accessible files and provisions made for preserving,  
5 examining and using same, the county officer may certify those facts  
6 to the board of county commissioners. All such records shall be  
7 archived or disposed of according to the provisions of the Oklahoma  
8 State Statutes and any other such restrictions as may be applicable.

9 SECTION 6. AMENDATORY 19 O.S. 2011, Section 174.1, is  
10 amended to read as follows:

11 Section 174.1. The State Auditor and Inspector is hereby  
12 authorized upon filing of report of audit of the books, records and  
13 accounts of any county officer, board or commission to publish in a  
14 newspaper or newspapers having a general circulation in the county a  
15 notice of the filing of such audit report; and he or she may cause  
16 to be posted a certificate of completion of such audit report in the  
17 office or offices having custody of the books, records and accounts  
18 embraced in such audit report. In addition to the notice published  
19 in the newspaper, the report shall be posted on the county website  
20 and the State Auditor and Inspector's website. The State Auditor  
21 and Inspector shall transmit a copy of the letter of transmittal of  
22 each such audit report to every legal newspaper published within the  
23 county wherein said audit report is filed with the county clerk.

SECTION 7. This act shall become effective November 1, 2016.

COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,  
dated 04/06/2016 - DO PASS.