

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 18, 2016

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 1156

By: Dahm of the Senate and Cockcroft of the House

Title: County officers and public records; updating statutory language relating to copying and storing county records. Effective date.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

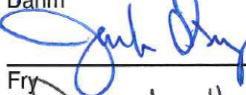
1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

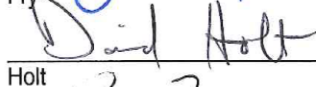
SENATE CONFEREES


Dahm


Sykes


Fry

Floyd


Holt

Matthews


Justice

HOUSE CONFEREES:

Conference Committee on County and Municipal Government

Senate Action _____ Date _____ House Action _____ Date _____

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STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 1156

By: Dahm of the Senate

and

Cockroft of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to county officers and public records; amending 19 O.S. 2011, Section 130.3, which relates to the Commission on County Government Personnel Education and Training; removing obsolete language; amending 19 O.S. 2011, Sections 155.1, 155.4, 155.5 and 155.7, which relate to county records; updating statutory language regarding reproduction and storage of certain county records; updating statutory reference; amending 19 O.S. 2011, Section 174.1, which relates to county audits; requiring publication on certain websites; amending 19 O.S. 2011, Section 299, which relates to parcel identifier numbers; authorizing counties to accept certain filing related to property; amending 19 O.S. 2011, Section 866.13, which relates to plans for streets or highways; requiring counties to record certain records; and amending Sections 4, 5 and 8, Chapter 313, O.S.L. 2014 (19 O.S. Supp. 2015, Sections 138.13, 138.14 and 138.17), which relate to financial interest statements; removing requirement for the submission of notarized statements; and providing an effective date.

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

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

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

7 After the first meeting, the Commission shall meet as it deems
8 necessary or when called by the chair or by any three members.

9 Three members shall constitute a quorum and no official action shall
10 be taken by the Commission unless there is a quorum present.

11 The representative of the County Officers Association shall be
12 reimbursed for mileage and per diem in accordance with the State
13 Travel Reimbursement Act when attending Commission meetings or other
14 activities associated with his or her duties. Other Commission
15 members shall not be reimbursed.

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

18 Section 155.1. The county assessor in any county is authorized
19 to destroy any of the records which have been on file in his or her
20 office for more than seven (7) years, including all assessment
21 rolls, assessment listing sheets relating to tangible or intangible
22 personal properties, monies and credits, real estate, or corporation
23 properties, all balance sheets, and all homestead exemption
24 applications. All records which have been on file in his or her

1 office for more than two (2) years, prior to the current calendar
2 year and less than seven (7) years, may be destroyed if compliance
3 is made with statutes authorizing the ~~microfilming or other~~
4 reproduction of records and storage of reproductions thereof.—A
5 ~~viewer scope shall be provided, the costs, maintenance and supplies~~
6 ~~therefor be paid from the county general fund, to accommodate public~~
7 ~~reference to the filmed records.~~ Such reproduction and storage of
8 records shall be done using any generally accepted current
9 technology which will ensure safe documentation and accessibility of
10 public records. The State Library may be given any record which
11 would be destroyed upon request therefor.

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

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

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

- 20 a mortgage tax receipts;
- 21 b. all records pertaining to personal tax warrants;
- 22 c. personal tax lien docket.

23 2. After the expiration of seven (7) years after the final
24 settlement:

1 a. all tax protest records;

2 b. municipal bond and judgment records.

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

4 a. all tax rolls and tax roll adjustments;

5 b. all special assessment rolls;

6 c. all tax sale and resale records;

7 d. real property, personal property, special assessments
8 and emergency or back tax receipts.

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

13 a. all records pertaining to school districts;

14 b. all bookkeeping records and instruments pertaining to
15 apportionment and distribution of monies;

16 c. warrant registers;

17 d. miscellaneous income and distribution receipts and
18 records;

19 e. bank statements, deposit tickets, F.D.I.C. documents,
20 depository records, reports, checks, purchase orders
21 and other bookkeeping records.

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

1 Section 155.5. A. As to the records that are not destroyed as
2 provided for in Section ~~2 above~~ 155.2 of this title , the county
3 treasurer in each county in Oklahoma, after compliance with
4 provisions of statute as to ~~microfilming~~ reproduction and storage of
5 records, ~~storing original negatives,~~ and providing for convenient
6 viewing ~~of reproductions~~ thereof, is hereby authorized, each year,
7 to destroy the ~~hereinafter mentioned~~ following types of work books,
8 reports and records that have been on file or stored in his or her
9 office for a period of time longer than the period specifically
10 indicated, as follows:

11	REQUISITE TIME OF
12	RETAINING
13	TYPE OF RECORD ORIGINAL
14	Tax Rolls and Tax
15	Roll adjustments 6 years
16	Tax Sale and Resale
17	Records 6 years
18	Special Assessment Rolls 6 years after due date
19	Tax Protest Records Until final settlement
20	Tax Receipts
21	Real Property,
22	personal property 7 years
23	Special Assessments,
24	emergency or back

1 assessments, and
2 mortgage tax receipts 2 years
3 Municipal Bond Records 7 years after final
4 settlement
5 Personal Tax, Warrants
6 and Records 2 years

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

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

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

1 B. The ~~photostatic copy, photograph, microphotograph,~~
2 ~~photographic film or optical disk~~ reproduced or stored copy of the
3 original records shall be deemed to be an original record for all
4 purposes, and shall be admissible in evidence in all court or
5 administrative agencies. A facsimile, exemplification or certified
6 copy thereof shall, for all purposes recited herein, be deemed to be
7 a transcript, exemplification or certified copy of the original.

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

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

16 Section 174.1. The State Auditor and Inspector is hereby
17 authorized upon filing of report of audit of the books, records and
18 accounts of any county officer, board or commission to publish in a
19 newspaper or newspapers having a general circulation in the county a
20 notice of the filing of such audit report; and he or she may cause
21 to be posted a certificate of completion of such audit report in the
22 office or offices having custody of the books, records and accounts
23 embraced in such audit report. In addition to the notice published
24 in the newspaper, the report shall be posted on the county website

1 and the State Auditor and Inspector's website. The State Auditor
2 and Inspector shall transmit a copy of the letter of transmittal of
3 each such audit report to every legal newspaper published within the
4 county wherein said audit report is filed with the county clerk.

5 SECTION 7. AMENDATORY 19 O.S. 2011, Section 299, is
6 amended to read as follows:

7 Section 299. The county assessor, county clerk and county
8 treasurer of any county may adopt a system of land parcel identifier
9 numbers whereby the same land identifier numbers shall be used by
10 the county assessor, county clerk and county treasurer to designate
11 a tract of real property situated within the county.

12 In any county where this system has been adopted, the county
13 clerk ~~shall not~~ may accept for filing or recording any map, plat,
14 deed, mortgage, lease or other instrument affecting real property
15 ~~unless the land parcel identifier numbers for all of the land~~
16 ~~parcels described and affected are affixed on the face of the map,~~
17 ~~plat, deed, mortgage, lease or other instrument, which has a parcel~~
18 identifier number affixed thereon, but the number shall not be
19 required for any of the filing. Provided that, failure to comply
20 with these provisions shall not affect the validity of any such
21 instrument that is duly recorded.

22 SECTION 8. AMENDATORY 19 O.S. 2011, Section 866.13, is
23 amended to read as follows:
24

1 Section 866.13. From and after the adoption of a plan for major
2 streets or highways as a part of the comprehensive plan for the
3 physical development of the area and the adoption of the rules and
4 regulations governing subdivision of land no plat or deed or other
5 instrument of a subdivision of land within the area shall be
6 accepted for record in the office of the county clerk until it shall
7 have been approved by such commission as being in accordance with
8 the officially adopted rules and regulations of the commission and
9 such approval endorsed in writing on the plat.

10 The approval of the commission required by this section or the
11 refusal to approve shall take place within forty-five (45) days from
12 and after the submission of the subdivision of land for final
13 approval; otherwise said subdivision of land shall be deemed to have
14 been approved and the certificate of said commission as to the date
15 of the submission of the subdivision of land for approval and as to
16 the failure to take action thereon within such time shall be
17 sufficient in lieu of the written endorsement or evidence of
18 approval herein required. The ground of refusal of any subdivision
19 of land submitted, including citation to or reference to the rules
20 or regulations violated by the subdivision of land, shall be stated
21 upon the record of the commission.

22 Whoever, being the owner or agent of the owner of any land
23 within the area, transfers or sells or agrees to sell, or negotiates
24 to sell any land by reference to or exhibition thereof, or by other

1 use of a plat of a subdivision or a contract for deed or other
2 instrument before such plat or deed or instrument has been approved
3 by the commission and filed of record in the office of the county
4 clerk, or whoever, being the owner or agent of the owner of a parcel
5 of ground, transfers, or sells or agrees to sell, or negotiates to
6 sell any tract of land of less than ten (10) acres, except in
7 counties adjoining a county having a cooperative planning commission
8 formed under the provisions of 19 O.S. 1961, Section 863.2, in which
9 case upon order or rule of the city-county cooperative planning
10 commission a tract of less than two and one-half (2 1/2) acres where
11 such tract was not shown of record in the office of the county clerk
12 as separately owned at the effective date of the regulations
13 hereinafter provided for and not located within a subdivision
14 approved according to law and filed of record in the office of the
15 county clerk, or if so located, not comprising at least one entire
16 lot as recorded, without first obtaining the written approval of the
17 commission by its endorsement on the instrument of transfer, or
18 contract of sale or other agreement to transfer, shall be subject to
19 the penalties by this act provided; and such transaction shall be
20 unlawful ~~and shall not be recorded by the County Clerk;~~ provided
21 that a tract of land which has not been subdivided, a tract of more
22 than ten (10) acres, except in counties adjoining a county having a
23 cooperative planning commission formed under the provisions of 19
24 O.S. 1961, Section 863.2, in which case upon order or rule of the

1 city-county cooperative planning commission a tract of more than two
2 and one-half (2 1/2) acres, may be transferred by the owner thereof
3 to any person without complying with the provisions of this act and
4 such transfer shall be duly recorded by the county clerk; and
5 provided, further, that such person may further transfer such tract
6 without complying with the provisions of this act, so long as such
7 transfer involves the whole of such tract and the transfer shall be
8 recorded by the county clerk, and thereafter any transfer shall be
9 subject to existing law. Provided further, all deeds of record as
10 of January 1, 1963, which convey tracts of land not portions of an
11 approved or disapproved plat or subdivision, are hereby validated
12 insofar as the filings of the same are concerned, whether or not
13 first approved by the commission.

14 In its consideration of such transfers, referred to as "lot-
15 splits", the commission shall apply the same regulations as are
16 applied to subdivisions in order to accomplish the purpose of
17 planning as herein provided. No city board of adjustment or county
18 board of adjustment or any office representing such boards shall
19 require that easements be given to the city or county for major
20 street usages serving approval on a lot-split deed, and approving
21 such deeds shall not be deemed consideration for the transfer of
22 easements for road purposes, except in the case of streets platted
23 and dedicated by the owner in approved subdivision plans.

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1 SECTION 9. AMENDATORY Section 4, Chapter 313, O.S.L.

2 2014 (19 O.S. Supp. 2015, Section 138.13), is amended to read as
3 follows:

4 Section 138.13. Each campaign committee shall file a ~~notarized~~
5 statement of organization with the county election board subject to
6 the same requirements as set forth for candidate committees for
7 state office to file statements of organization with the Ethics
8 Commission under Rules of the Ethics Commission promulgated pursuant
9 to Section 3 of Article XXIX of the Oklahoma Constitution, including
10 but not limited to time for filing and contents, except as otherwise
11 provided in the County Campaign Finance and Financial Disclosure
12 Act. The statement of organization shall be accompanied by a check
13 drawn upon the campaign committee's account in the amount of Fifty
14 Dollars (\$50.00) as a nonrefundable processing fee to be deposited
15 in the County Election Board Special Depository Account.
16 Expenditures from such fees may be made by the secretary of the
17 county election board for any lawful purpose.

18 SECTION 10. AMENDATORY Section 5, Chapter 313, O.S.L.

19 2014 (19 O.S. Supp. 2015, Section 138.14), is amended to read as
20 follows:

21 Section 138.14. Every county political committee shall file a
22 ~~notarized~~ statement of organization with the county election board
23 subject to the same requirements as set forth for political
24 committees required to file statements of organization with the

1 Ethics Commission under Rules of the Ethics Commission promulgated
2 pursuant to Section 3 of Article XXIX of the Oklahoma Constitution,
3 including but not limited to time for filing and contents.

4 SECTION 11. AMENDATORY Section 8, Chapter 313, O.S.L.
5 2014 (19 O.S. Supp. 2015, Section 138.17), is amended to read as
6 follows:

7 Section 138.17. All candidates for county office and all
8 elected county officers shall be required to file a ~~notarized~~
9 statement of financial interests with the county election board
10 subject to the same requirements as set forth for statements of
11 financial interests filed with the Ethics Commission under Rules of
12 the Ethics Commission promulgated pursuant to Section 3 of Article
13 XXIX of the Oklahoma Constitution.

14 SECTION 12. This act shall become effective November 1, 2016.
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