

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1189 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Tom Gann

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1189

By: Gann

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to counties and county officers;
amending 19 O.S. 2011, Sections 155.1, 155.5, 155.7,
215.22, as amended by Section 1, Chapter 305, O.S.L.
2013, 215.36, 286, 288 and 517.1, as amended by
Section 1, Chapter 299, O.S.L. 2014 (19 O.S. Supp.
2016, Sections 215.22 and 517.1), which relate to
microfilming of certain documents; modifying
references to microfilming; and providing an
effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 155.1, is
amended to read as follows:

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

1 applications. All records which have been on file in his office for
2 more than two (2) years, prior to the current calendar year and less
3 than seven (7) years, may be destroyed if compliance is made with
4 statutes authorizing the ~~microfilming~~ digitizing or other
5 reproduction of records and storage of reproductions thereof. A
6 ~~viewer~~ scope computer shall be provided, the costs, maintenance and
7 supplies therefor be paid from the county general fund, to
8 accommodate public reference to the ~~filmed~~ digitized records. The
9 State Library may be given any record which would be destroyed upon
10 request therefor.

11 SECTION 2. AMENDATORY 19 O.S. 2011, Section 155.5, is
12 amended to read as follows:

13 Section 155.5 A. As to the records that are not destroyed as
14 provided for in Section ~~2-above~~ 155.4 of this title, the county
15 treasurer in each county in Oklahoma, after compliance with
16 provisions of statute as to ~~microfilming~~ the digitizing of records,
17 storing original negatives, and providing for convenient viewing of
18 reproductions thereof, is hereby authorized, each year, to destroy
19 the hereinafter mentioned types of work books, reports and records
20 that have been on file or stored in his office for a period of time
21 longer than the period specifically indicated, as follows:

22	REQUISITE TIME OF
23	RETAINING
24	TYPE OF RECORD ORIGINAL

1	Tax Rolls and Tax	
2	Roll adjustments	6 years
3	Tax Sale and Resale	
4	Records	6 years
5	Special Assessment Rolls	6 years after due date
6	Tax Protest Records	Until final settlement
7	Tax Receipts	
8	Real Property,	
9	personal property	7 years
10	Special Assessments,	
11	emergency or back	
12	assessments, and	
13	mortgage tax receipts	2 years
14	Municipal Bond Records	7 years after final
15		settlement
16	Personal Tax, Warrants	
17	and Records	2 years

18 B. All the records above described in ~~Section 2,~~ subsection 3
 19 of Section 155.4 of this title, may be destroyed after two (2) years
 20 provided the same are ~~filmed~~ digitized; and further provided that
 21 the State Auditor and Inspector has audited said records and has not
 22 directed such original records to be retained. Such ~~filmed~~
 23 digitized records must be retained until such time as the original,
 24 if it had been retained, would have been seven (7) years old.

SECTION 3. AMENDATORY 19 O.S. 2011, Section 155.7, is amended to read as follows:

Section 155.7 A. County officers may have any or all records kept by any county office photographed, ~~microphotographed~~ digitized, photostated, reproduced on film or stored on optical disk. Such film or reproducing material shall be of durable material and the device used to reproduce such records on film or other material shall be such as to accurately reproduce and perpetuate the original records in all details.

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

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

1 SECTION 4. AMENDATORY 19 O.S. 2011, Section 215.22, as
2 amended by Section 1, Chapter 305, O.S.L. 2013 (19 O.S. Supp. 2016,
3 Section 215.22), is amended to read as follows:

4 Section 215.22 A. The district attorney is hereby authorized
5 to destroy all or a portion of his or her office records and files
6 relating to:

7 1. Any felony case or record relating to a felony investigation
8 except where a homicide is involved, provided a period of ten (10)
9 years shall have elapsed since the last action in said case and
10 provided the district attorney shall ~~microfilm~~ digitize or provide
11 computer storage for such felony cases;

12 2. Any misdemeanor or traffic case or record relating to a
13 misdemeanor or traffic investigation, provided a period of five (5)
14 years shall have elapsed since the last action in said case and
15 provided the district attorney in his or her discretion may
16 ~~microfilm~~ digitize or provide computer storage for such misdemeanor
17 or traffic cases to be destroyed;

18 3. Any juvenile case, provided a period of ten (10) years shall
19 have elapsed since the last action in said case and provided the
20 district attorney in his or her discretion may ~~microfilm~~ digitize or
21 provide computer storage for such juvenile case to be destroyed; and

22 4. Any civil case, provided a period of ten (10) years shall
23 have elapsed since the last action in said case and provided the
24

1 district attorney in his or her discretion may ~~microfilm~~ digitize or
2 provide computer storage for such civil case to be destroyed.

3 B. The district attorney is authorized to reproduce a copy of
4 such record, file or case stored ~~on microfilm~~ digitally or in
5 computer storage as provided in this section and such copy or
6 computer-generated image or record may be used by the district
7 attorney in lieu of the destroyed record, file or case, for all
8 purposes.

9 SECTION 5. AMENDATORY 19 O.S. 2011, Section 215.36, is
10 amended to read as follows:

11 Section 215.36 A. Effective January 1, 1983, it shall be the
12 duty of the board of county commissioners of each county in each
13 district attorney's district to provide:

14 1. Sufficient office space in the county courthouse, and the
15 costs of utility services for power, lighting, heat, cooling,
16 appropriate janitorial service, and costs of maintenance, upkeep,
17 and repair of such space, for the personnel and programs of the
18 office of the district attorney;

19 2. A sufficient law library and subscriptions to legal
20 publications necessary for the performance of the duties of the
21 district attorney, the same to remain an asset and property of the
22 county;

23 3. Sufficient funds for the costs and necessary expenses of
24 investigation, prosecution or defense of any action, whether

1 contemplated or actual, wherein the county officers, county
2 appointees or employees, while acting in their official capacity may
3 be party plaintiffs, defendants or intervenors;

4 B. Capital assets or properties presently owned by each county
5 and assigned for use to the office of the district attorney shall
6 continue to be furnished and owned by said county for use by the
7 office of the district attorney, with the expense of ordinary
8 maintenance and repair to be paid by the state. At such time as the
9 utility of the same shall be of no benefit and, when authorized by
10 the District Attorneys Council, such property shall be returned to
11 the county for disposal as provided by law. Said equipment's
12 equitable replacement is to be provided by the state. Capital
13 assets or properties presently leased by the county and assigned for
14 use to the office of the district attorney shall be assigned to the
15 state by the county, at the request of the Council; thereafter, said
16 capital assets or properties shall be leased by the state, subject
17 to the terms and conditions of the lease agreements. Lease payments
18 shall become the responsibility of the state. Capital assets or
19 properties presently held by the county under an approved lease-
20 purchase agreement for equipment or properties assigned to the
21 office of the district attorney, may, at the election of the
22 Council, be assumed by the state and any existing intangible worth
23 by reason of such assumption shall be the property of the state.
24 The county shall be released from financial responsibility of lease-

1 purchase payments under the terms of said agreement and held
2 harmless therefrom by the state. In the event the agreement is
3 completed to full term, the asset acquired shall be the property of
4 the state. In the event the state, through the Council, declines to
5 assume such obligation under any pending lease-purchase agreement,
6 said county shall retain such agreement and the equipment or the
7 property held thereunder, and shall have the right to assign such
8 equipment or property and its use to any county use which may be
9 provided by law.

10 C. Counties having a population of three hundred thousand
11 (300,000) or more shall, and counties having a population of less
12 than three hundred thousand (300,000) may, furnish sufficient
13 equipment and personnel for equipment operation for such computer
14 services and ~~microfilming~~ digitizing as the district attorney deems
15 necessary.

16 SECTION 6. AMENDATORY 19 O.S. 2011, Section 286, is
17 amended to read as follows:

18 Section 286. The county commissioners shall furnish, and the
19 county clerk shall maintain, in the office of the county clerk,
20 suitable records for storage for all instruments of writing subject
21 by law to be recorded in the office of the county clerk. Suitable
22 record may include either photographic copy, ~~microphotographic~~
23 digital copy or computer storage of such instruments. All records
24 shall be available to the public for immediate viewing and

1 reproduction. The county clerk shall retain sole custody and
2 responsibility for the records of the office. All ~~micrographic~~
3 digital copies shall be produced to meet archival standards and a
4 security copy shall be maintained. Stored documents shall meet the
5 guidelines set forth in Section 214 of Title 74 of the Oklahoma
6 Statutes.

7 SECTION 7. AMENDATORY 19 O.S. 2011, Section 288, is
8 amended to read as follows:

9 Section 288. A. The county clerk shall also keep a well-bound
10 book in which shall be platted all maps of cities and towns, or
11 additions to the same, cemeteries and other plats, required by law
12 to be recorded within his county, together with description,
13 acknowledgment or other writing thereon, and file the original plat
14 in his office. He shall index such plat book under appropriate
15 headings in the plat book. Provided, the county clerk shall be
16 prohibited from recording a plat of any subdivision which is by name
17 duplicative of the name of any platted subdivision of record in his
18 county.

19 B. In the alternative, said record may be kept ~~on microfilm~~
20 digitally if said records may be reproduced to their original size.

21 SECTION 8. AMENDATORY 19 O.S. 2011, Section 517.1, as
22 amended by Section 1, Chapter 299, O.S.L. 2014 (19 O.S. Supp. 2016,
23 Section 517.1), is amended to read as follows:

1 Section 517.1 The governing body of each county may establish a
2 length of time for the county to keep departmental records and
3 authorize the sheriff to properly dispose of or ~~convert to microfilm~~
4 ~~or a similar medium~~ digitize all records not specifically addressed
5 in other statutes. Such records shall be kept for a minimum of
6 seven (7) years; provided, however, if the sheriff is the sole
7 source for such records, the records shall be kept for a minimum of
8 seven (7) years.

9 SECTION 9. This act shall become effective November 1, 2017.

11 56-1-6958 LRB 02/17/17