

1 ENGROSSED SENATE
2 BILL NO. 48

By: Dahm of the Senate

3 and

4 Roberts (Sean) of the House

5
6 An Act relating to county officers and public
7 records; amending 19 O.S. 2011, Section 130.3, which
8 relates to the Commission on County Government
9 Personnel Education and Training; removing obsolete
10 language; amending 19 O.S. 2011, Sections 155.1,
11 155.4, 155.5 and 155.7, which relate to county
12 records; updating statutory language regarding
13 reproduction and storage of certain county records;
14 updating statutory reference; and amending 19 O.S.
15 2011, Section 174.1, which relates to county audits;
16 requiring publication on certain websites; updating
17 language; and declaring an emergency.

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

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

21 Section 130.3. ~~The Commission shall meet within sixty (60) days~~
22 ~~after the effective date of this act.~~ The President of Oklahoma
23 State University or his or her designee shall serve as chair of the
24 Commission on County Government Personnel Education and Training.
After the first meeting, the Commission shall meet as it deems
necessary or when called by the chair or by any three members.
Three members shall constitute a quorum and no official action shall
be taken by the Commission unless there is a quorum present.

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

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

8 Section 155.1. The county assessor in any county is authorized
9 to destroy any of the records which have been on file in his or her
10 office for more than seven (7) years, including all assessment
11 rolls, assessment listing sheets relating to tangible or intangible
12 personal properties, monies and credits, real estate, or corporation
13 properties, all balance sheets, and all homestead exemption
14 applications. All records which have been on file in his or her
15 office for more than two (2) years, prior to the current calendar
16 year and less than seven (7) years, may be destroyed if compliance
17 is made with statutes authorizing the ~~microfilming or other~~
18 reproduction of records and storage of reproductions thereof. A
19 ~~viewerscope shall be provided, the costs, maintenance and supplies~~
20 ~~therefor be paid from the county general fund, to accommodate public~~
21 ~~reference to the filmed records~~ Such reproduction and storage of
22 records shall be done using any generally accepted current
23 technology which will ensure safe documentation and accessibility of
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1 public records. The State Library may be given any record which
2 would be destroyed upon request therefor.

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

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

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

- 11 a mortgage tax receipts~~+~~;
- 12 b. all records pertaining to personal tax warrants~~+~~, and
- 13 c. personal tax lien docket~~+~~;

14 2. After the expiration of seven (7) years after the final
15 settlement:

- 16 a. all tax protest records~~+~~, and
- 17 b. municipal bond and judgment records~~+~~;

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

- 19 a. all tax rolls and tax roll adjustments~~+~~;
- 20 b. all special assessment rolls~~+~~;
- 21 c. all tax sale and resale records~~+~~, and
- 22 d. real property, personal property, special assessments
23 and emergency or back tax receipts~~+~~; and

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

- 5 a. all records pertaining to school districts~~+~~L
- 6 b. all bookkeeping records and instruments pertaining to
7 apportionment and distribution of monies~~+~~L
- 8 c. warrant registers~~+~~L
- 9 d. miscellaneous income and distribution receipts and
10 records~~+~~L and
- 11 e. bank statements, deposit tickets, F.D.I.C. documents,
12 depository records, reports, checks, purchase orders
13 and other bookkeeping records.

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

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

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1 office for a period of time longer than the period specifically
2 indicated, as follows:

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

23 B. All the records above described in Section ~~2, subsection 3~~
24 155.2 of this title, may be destroyed after two (2) years provided

1 the same are ~~filmed~~ reproduced and stored as required by law; and
2 further provided that the State Auditor and Inspector has audited
3 said records and has not directed such original records to be
4 retained. Such ~~filmed~~ copied records must be retained until such
5 time as the original, if it had been retained, would have been seven
6 (7) years old.

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

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

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

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

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

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

22 SECTION 7. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 Passed the Senate the 7th day of March, 2017.

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6 Presiding Officer of the Senate

7 Passed the House of Representatives the ____ day of _____,
8 2017.

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11 Presiding Officer of the House
12 of Representatives
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