

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1189

By: Gann of the House

and

Shaw of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to counties and county officers;
12 amending 19 O.S. 2011, Sections 155.1, 155.5, 155.7,
13 215.22, as amended by Section 1, Chapter 305, O.S.L.
14 2013, 215.36, 286, 288 and 517.1, as amended by
15 Section 1, Chapter 299, O.S.L. 2014 (19 O.S. Supp.
16 2016, Sections 215.22 and 517.1), which relate to
17 microfilming of certain documents; modifying
18 references to microfilming; and providing an
19 effective date.

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

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

23 Section 155.1 The county assessor in any county is authorized
24 to destroy any of the records which have been on file in his office
for more than seven (7) years, including all assessment rolls,

1 assessment listing sheets relating to tangible or intangible
2 personal properties, monies and credits, real estate, or corporation
3 properties, all balance sheets, and all homestead exemption
4 applications. All records which have been on file in his office for
5 more than two (2) years, prior to the current calendar year and less
6 than seven (7) years, may be destroyed if compliance is made with
7 statutes authorizing the ~~microfilming~~ digitizing or other
8 reproduction of records and storage of reproductions thereof. A
9 ~~viewerscope computer~~ computer shall be provided, the costs, maintenance and
10 supplies therefor be paid from the county general fund, to
11 accommodate public reference to the ~~filmed~~ digitized records. The
12 State Library may be given any record which would be destroyed upon
13 request therefor.

14 SECTION 2. 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~~ 155.4 of this title, the county
18 treasurer in each county in Oklahoma, after compliance with
19 provisions of statute as to ~~microfilming~~ the digitizing of records,
20 storing original negatives, and providing for convenient viewing of
21 reproductions thereof, is hereby authorized, each year, to destroy
22 the hereinafter mentioned types of work books, reports and records
23 that have been on file or stored in his office for a period of time
24 longer than the period specifically indicated, as follows:

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

21 B. All the records above described in ~~Section 2, subsection~~
 22 paragraph 3 of Section 155.4 of this title, may be destroyed after
 23 two (2) years provided the same are ~~filmed~~ digitized; and further
 24 provided that the State Auditor and Inspector has audited said

1 records and has not directed such original records to be retained.
2 Such ~~filmed~~ digitized records must be retained until such time as
3 the original, if it had been retained, would have been seven (7)
4 years old.

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

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

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

21 C. Whenever such reproduced records shall be placed in
22 conveniently accessible files and provisions made for preserving,
23 examining and using same, the county officer may certify those facts
24 to the board of county commissioners. All such records shall be

1 archived or disposed of according to the provisions of the Oklahoma
2 State Statutes and any other such restrictions as may be applicable.

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

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

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

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

20 3. Any juvenile case, provided a period of ten (10) years shall
21 have elapsed since the last action in said case and provided the
22 district attorney in his or her discretion may ~~microfilm~~ digitize or
23 provide computer storage for such juvenile case to be destroyed; and
24

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

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

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

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

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

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

1 3. Sufficient funds for the costs and necessary expenses of
2 investigation, prosecution or defense of any action, whether
3 contemplated or actual, wherein the county officers, county
4 appointees or employees, while acting in their official capacity may
5 be party plaintiffs, defendants or intervenors;

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

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

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

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

20 Section 286. The county commissioners shall furnish, and the
21 county clerk shall maintain, in the office of the county clerk,
22 suitable records for storage for all instruments of writing subject
23 by law to be recorded in the office of the county clerk. Suitable
24 record may include either photographic copy, ~~microphotographic~~

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

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

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

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

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

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

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

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14 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/01/2017 - DO PASS,
15 As Amended and Coauthored.

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