

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1436

By: Teague

6 AS INTRODUCED

7 An Act relating to county clerks; amending 19 O.S.  
8 2011, Section 527, which relates to employment of  
9 a general counsel; authorizing county clerks to employ  
10 a general counsel; amending 28 O.S. 2011, Section 32,  
11 which relates to county clerk fees; adding county  
12 clerk fees for counties with certain population; and  
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 19 O.S. 2011, Section 527, is  
16 amended to read as follows:

17 Section 527. The sheriff, county clerk, treasurer or assessor  
18 in a county shall have the authority to employ a general counsel,  
19 either in-house as a staff attorney or through an outside law firm,  
20 to advise or represent that officer and his or her office in the  
21 performance of the official duties of that office. The Board of  
22 County Commissioners shall approve all contracts for outside  
23 counsel. A general counsel employed pursuant to this section shall  
24 be compensated from the funds of the employing county office.

1       SECTION 2.       AMENDATORY       28 O.S. 2011, Section 32, is  
2 amended to read as follows:

3       Section 32. A. Notwithstanding any other provision of law  
4 county clerks shall charge and collect the following flat fees to be  
5 uniform throughout the state regardless of the recording method  
6 used, and the county clerks shall not be required to itemize or  
7 charge these fees pursuant to any other schedule, except as  
8 specifically provided by law:

- 9       1. For recording the first page of deeds,  
10       mortgages and any other instruments not  
11       subject to the fee imposed by Section 1-9-525  
12       of Title 12A of the Oklahoma Statutes.....\$8.00  
13       2. For recording each additional page of same  
14       instrument.....\$2.00  
15       3. For furnishing hard copies of microfilmed  
16       records to bonded abstractors only, per page.....\$1.00  
17       4. For furnishing photographic copies of  
18       photographic records, or of typewritten script  
19       or printed records, per page.....\$1.00  
20       5. For recording plat of one block or less..... \$10.00  
21       6. For recording plat of more than one block..... \$25.00  
22       7. For certifying to any copy per page..... \$1.00  
23       8. For recording an assignment of Tax Sale  
24       Certificate to be paid by the party purchasing.....\$5.00

- 1       9. For recording of any mark or brand and giving  
2       certificate for same.....\$5.00
- 3       10. For recording each certificate for estrays  
4       and forwarding description of same, as  
5       required by law.....\$1.00
- 6       11. a. For recording and filing of mechanics'  
7       or materialmen's liens which includes  
8       the release thereof.....\$10.00
- 9       b. For preparing and mailing notice of  
10      mechanics' or materialmen's lien.....\$8.00  
11      plus the actual cost of postage
- 12      c. For each additional page or exhibit.....\$2.00
- 13      12. For recording and filing of fictitious name  
14      partnership certificates.....\$5.00
- 15      To this fee shall be added the fees required  
16      by Sections 81 through ~~86~~ 84.1 of Title 54 of  
17      the Oklahoma Statutes.
- 18      13. For recording the first page of deeds,  
19      mortgages, and any other instruments which  
20      are nonconforming pursuant to subsection C of  
21      Section 298 of Title 19 of the Oklahoma  
22      Statutes..... \$25.00
- 23      14. For recording each additional page of an  
24      instrument which is nonconforming pursuant to

subsection C of Section 298 of Title 19 of  
the Oklahoma Statutes..... \$10.00

15. For counties with a population of more than  
four hundred thousand (400,000) according to  
the most recent Federal Decennial Census, for  
recording deeds of four pages or less.....\$15.00

16. For recording each additional page of the  
same instrument described in paragraph 15.....\$2.00

17. For counties with a population of more than  
four hundred thousand (400,000) according to  
the most recent Federal Decennial Census, for  
recording mortgages of twenty pages or less.....\$40.00

18. For recording each additional page of the  
same instrument described in paragraph 17.....\$2.00

B. The fees prescribed in paragraph 4 of subsection A of this  
section shall be deposited into the County Clerk's Lien Fee Account,  
created pursuant to Section 265 of Title 19 of the Oklahoma  
Statutes.

C. For the purpose of preserving, maintaining, and archiving  
recorded instruments including, but not limited to, records  
management, records preservation, automation, modernization, and  
related lawful expenditures, in addition to all other fees required  
by law, the county clerk shall collect Five Dollars (\$5.00) for each  
instrument recorded with the Registrar of Deeds.

1 D. There is hereby created a fund to be known as the "County  
2 Clerk's Records Management and Preservation Fund". The fund shall  
3 be a continuing fund, not subject to fiscal year limitations, and  
4 shall consist of the fees and monies accruing to the fund, as  
5 prescribed in subsection C of this section with all monies accruing  
6 to the fund to be expended by the clerk and not transferred to any  
7 other fund. The intent of this section is to increase the net  
8 funding level available to the county clerk to maintain and preserve  
9 public records.

10 E. The fees and costs prescribed in this section shall not  
11 apply to child support enforcement offices operated by or on behalf  
12 of the Department of Human Services' Child Support Enforcement  
13 Division. County clerks shall not charge any fees or costs to such  
14 offices, the Division, or the Department.

15 SECTION 3. This act shall become effective November 1, 2017.  
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