

1 ENGROSSED HOUSE
2 BILL NO. 1189

By: Gann of the House

3 and

4 Shaw of the Senate
5

6 An Act relating to counties and county officers;
7 amending 19 O.S. 2011, Sections 155.1, 155.5, 155.7,
8 215.22, as amended by Section 1, Chapter 305, O.S.L.
9 2013, 215.36, 286, 288 and 517.1, as amended by
10 Section 1, Chapter 299, O.S.L. 2014 (19 O.S. Supp.
11 2016, Sections 215.22 and 517.1), which relate to
12 microfilming of certain documents; modifying
13 references to microfilming; and providing an
14 effective date.

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

16 SECTION 1. 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 office
20 for more than seven (7) years, including all assessment rolls,
21 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 office for
more than two (2) years, prior to the current calendar year and less
than seven (7) years, may be destroyed if compliance is made with

1 statutes authorizing the ~~microfilming~~ digitizing or other
2 reproduction of records and storage of reproductions thereof. A
3 ~~viewer~~ scope computer shall be provided, the costs, maintenance and
4 supplies therefor be paid from the county general fund, to
5 accommodate public reference to the ~~filmed~~ digitized records. The
6 State Library may be given any record which would be destroyed upon
7 request therefor.

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

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

	REQUISITE TIME OF
	RETAINING
TYPE OF RECORD	ORIGINAL
Tax Rolls and Tax	
Roll adjustments	6 years
Tax Sale and Resale	

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

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

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

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

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

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

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

24

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

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

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

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

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

23 B. The district attorney is authorized to reproduce a copy of
24 such record, file or case stored ~~on microfilm~~ digitally or in

1 computer storage as provided in this section and such copy or
2 computer-generated image or record may be used by the district
3 attorney in lieu of the destroyed record, file or case, for all
4 purposes.

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

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

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

15 2. A sufficient law library and subscriptions to legal
16 publications necessary for the performance of the duties of the
17 district attorney, the same to remain an asset and property of the
18 county;

19 3. Sufficient funds for the costs and necessary expenses of
20 investigation, prosecution or defense of any action, whether
21 contemplated or actual, wherein the county officers, county
22 appointees or employees, while acting in their official capacity may
23 be party plaintiffs, defendants or intervenors+.

24

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

1 the state. In the event the state, through the Council, declines to
2 assume such obligation under any pending lease-purchase agreement,
3 said county shall retain such agreement and the equipment or the
4 property held thereunder, and shall have the right to assign such
5 equipment or property and its use to any county use which may be
6 provided by law.

7 C. Counties having a population of three hundred thousand
8 (300,000) or more shall, and counties having a population of less
9 than three hundred thousand (300,000) may, furnish sufficient
10 equipment and personnel for equipment operation for such computer
11 services and ~~microfilming~~ digitizing as the district attorney deems
12 necessary.

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

15 Section 286. The county commissioners shall furnish, and the
16 county clerk shall maintain, in the office of the county clerk,
17 suitable records for storage for all instruments of writing subject
18 by law to be recorded in the office of the county clerk. Suitable
19 record may include either photographic copy, ~~microphotographic~~
20 digital copy or computer storage of such instruments. All records
21 shall be available to the public for immediate viewing and
22 reproduction. The county clerk shall retain sole custody and
23 responsibility for the records of the office. All ~~micrographic~~
24 digital copies shall be produced to meet archival standards and a

1 security copy shall be maintained. Stored documents shall meet the
2 guidelines set forth in Section 214 of Title 74 of the Oklahoma
3 Statutes.

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

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

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

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

21 Section 517.1 The governing body of each county may establish a
22 length of time for the county to keep departmental records and
23 authorize the sheriff to properly dispose of or ~~convert to microfilm~~
24 ~~or a similar medium~~ digitize all records not specifically addressed

1 in other statutes. Such records shall be kept for a minimum of
2 seven (7) years; provided, however, if the sheriff is the sole
3 source for such records, the records shall be kept for a minimum of
4 seven (7) years.

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

6 Passed the House of Representatives the 6th day of March, 2017.

7

8

Presiding Officer of the House
of Representatives

9

10

Passed the Senate the ___ day of _____, 2017.

11

12

13

Presiding Officer of the Senate

14

15

16

17

18

19

20

21

22

23

24