

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. 1436

By: Teague

7
8 COMMITTEE SUBSTITUTE

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

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

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

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

1 counsel. A general counsel employed pursuant to this section shall
2 be compensated from the funds of the employing county office.

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

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

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

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

- 1 14. For recording each additional page of an
 2 instrument which is nonconforming pursuant to
 3 subsection C of Section 298 of Title 19 of
 4 the Oklahoma Statutes..... \$10.00
- 5 15. For recording deeds of four pages or less.....\$15.00
- 6 16. For recording each additional page of the
 7 same instrument described in paragraph 15.....\$2.00
- 8 17. For recording mortgages of twenty pages or
 9 less.....\$40.00
- 10 18. For recording each additional page of the
 11 same instrument described in paragraph 17.....\$2.00

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

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

22 D. There is hereby created a fund to be known as the "County
 23 Clerk's Records Management and Preservation Fund". The fund shall
 24 be a continuing fund, not subject to fiscal year limitations, and

1 shall consist of the fees and monies accruing to the fund, as
2 prescribed in subsection C of this section with all monies accruing
3 to the fund to be expended by the clerk and not transferred to any
4 other fund. The intent of this section is to increase the net
5 funding level available to the county clerk to maintain and preserve
6 public records.

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

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

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14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
15 03/02/2017 - DO PASS, As Amended.
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