

1 HB92  
2 155666-1  
3 By Representative Beckman (N & P)  
4 RFD: Local Legislation  
5 First Read: 14-JAN-14  
6 PFD: 01/06/2014

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Elmore County; to amend Section  
14 45-26-81.22 of the Code of Alabama 1975, authorizing the judge  
15 of probate to establish a policy on the sale of or access to  
16 computerized index information or digitized images; to provide  
17 further for the use of funds received from the sale of such  
18 information.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 45-26-81.22 of the Code of  
21 Alabama 1975, is amended to read as follows:

22 "§45-26-81.22.

23 "(a) In Elmore County, a special recording fee of  
24 three dollars (\$3) shall be collected by the office of the  
25 judge of probate on each real or personal property, Uniform  
26 Commercial Code, judicial, or other instrument recorded or  
27 filed for record. The special recording fees shall be in

1 addition to all other fees, taxes, and other charges required  
2 by law to be paid upon the recording or filing for record of  
3 any real or personal property, Uniform Commercial Code,  
4 judicial, or other instrument. All fees collected shall be  
5 deposited by the judge of probate in any depository in the  
6 county as designated by the county governing body.

7 "(b) The fees collected under this section shall be  
8 expended at the discretion of the judge of probate with the  
9 approval of the county commission for the preservation and  
10 restoration of court records and documents and to develop,  
11 purchase, install, upgrade, and maintain a computerized system  
12 for recording, indexing, imaging, and storing of real and  
13 personal property records, Uniform Commercial Code filings,  
14 judicial proceedings, financial accounts, and any other  
15 records required to be maintained by the office of the judge  
16 of probate and the probate court.

17 "(c) The judge of probate may retain all or parts of  
18 court records for archival purposes utilizing optical disks,  
19 or other acceptable computerized methods for records storage,  
20 or any combination thereof. The use of microfilm to retain and  
21 archive court records in the county may be discontinued and  
22 replaced with digitized or scanned images of records committed  
23 to optic disks, or the like. Records archived and retained on  
24 optic disks, or the like, shall constitute official records of  
25 the office of the judge of probate and of the probate court  
26 and may be compiled and certified and sold to the public in  
27 accordance with applicable statutes. All funds collected for

1 copies and certifications shall be paid to the county general  
2 fund.

3 "(d) The judge of probate from time to time shall  
4 establish a policy on the sale of or access to computerized  
5 index information and digitized images maintained in the  
6 office of the judge of probate and in the probate court. All  
7 funds received from the sale of the information and images  
8 shall be paid to the county general fund ~~for purposes of~~  
9 ~~establishing and maintaining the archival and indexing~~  
10 ~~equipment~~ and expended at the discretion of the judge of  
11 probate for acquiring and maintaining equipment, improving the  
12 efficiency of the operations of the office, supplementing  
13 salaries, and acquiring and maintaining office space.

14 "(e) This section is cumulative. Nothing contained  
15 in this section shall alter or change an existing law relating  
16 to charges and fees to be collected by the Judge of Probate of  
17 Elmore County."

18 Section 2. This act shall become effective on the  
19 first day of the third month following its passage and  
20 approval by the Governor, or its otherwise becoming law.