

1 SB229
2 165338-2
3 By Senators Livingston, Scofield, Sanford, Dial, Shelnutt,
4 Holley, Blackwell, Ward, Waggoner, Stutts and Melson
5 RFD: Fiscal Responsibility and Economic Development
6 First Read: 12-MAR-15

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to business filing requirements; to provide
12 an electronic process for the recordation of business entity
13 filings with the judge of probate and the Secretary of State;
14 to require the Secretary of State to develop an electronic
15 processing program and allow any county that voluntarily
16 chooses to participate in the program to do so by written
17 agreement; and to authorize county commissions and judges to
18 satisfy general and local law requirements by participating in
19 the electronic processing program.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) The Secretary of State shall develop
22 a program to facilitate the administration of an electronic
23 process for the recordation of filing activities by business
24 and nonprofit entities required under Title 10A, Code of
25 Alabama 1975. A county may participate in the program in
26 accordance with this section. Under the program, the Secretary

1 of State may contract with a vendor to provide electronic
2 processing services which may include, but are not limited to,
3 the online filing of forms, online recording, payment of fees
4 through credit or debit cards, and any other service related
5 to the administration of the electronic process, as determined
6 by the Secretary of State. The Secretary of State may also
7 develop a certification process to allow third parties to
8 provide these electronic processing services. All recording
9 fees, whether established by general law, general law of local
10 application, or local law, shall be collected by the vendor
11 and the fees, applicable to the county, including all data
12 associated with the local recording fees, shall be remitted by
13 the vendor to each participating county no less than twice per
14 month.

15 (b) A county may participate in the program by
16 written agreement between the county commission, judge of
17 probate, and the Secretary of State. Any agreement shall be a
18 voluntary decision made exclusively by the county. The
19 Secretary of State or the applicable county may terminate an
20 agreement at any time upon 120 days' written notice. Upon
21 written notice of termination, the Secretary of State shall
22 instruct the electronic process vendor that it shall finalize
23 and transmit all final recording fees collected, and all data
24 related thereto, to the applicable county not more than 30
25 days after the date on which use of the electronic system
26 ceases.

1 (c) The cooperation between the Secretary of State
2 and a county shall be at no additional cost to the county or
3 the state.

4 (d) The cooperation between the Secretary of State
5 and a county as provided for in this section shall satisfy any
6 and all fee and filing requirements whether prescribed by
7 general law, general law of local application, or local law
8 applicable to the participating county, and, furthermore,
9 fulfill any and all statutory requirements of a county
10 commission, judge of probate, and the Secretary of State as it
11 relates to filing activities of business entities.

12 (e) A judge of probate may continue to provide
13 filing services pursuant to current procedures and is in no
14 way bound or obligated to participate in the electronic
15 process for the recordation of filing activities as provided
16 for by this section.

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

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Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and Economic
Development..... 12-MAR-15

Read for the second time and placed on the
calendar..... 18-MAR-15

Read for the third time and passed as amended 30-APR-15

Yeas 33
Nays 0

Patrick Harris
Secretary