

1 SB229  
2 165338-1  
3 By Senators Livingston, Scofield, Sanford, Dial, Shelnut,tt,  
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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8 SYNOPSIS: Under existing law, businesses and nonprofit  
9 entities are required to file forms and pay fees to  
10 the judge of probate and Secretary of State.

11 This bill would provide for an electronic  
12 process for the recordation of business entity  
13 filings with the judge of probate and the Secretary  
14 of State.

15 This bill would require the Secretary of  
16 State to develop an electronic processing program  
17 and allow any county that voluntarily chooses to  
18 participate in the program to do so by written  
19 agreement.

20 This bill would also authorize county  
21 commissions and judges to satisfy general and local  
22 law requirements by participating in the electronic  
23 processing program.

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25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Secretary of State shall develop a program to facilitate the administration of an electronic process for the recordation of filing activities by business and nonprofit entities required under Title 10A, Code of Alabama 1975. A county may participate in the program in accordance with this section. Under the program, the Secretary of State shall contract with a vendor to provide electronic processing services which may include, but are not limited to, the online filing of forms, online recording, payment of fees through credit or debit cards, and any other service related to the administration of the electronic process, as determined by the Secretary of State. All recording fees, whether established by general law, general law of local application, or local law, shall be collected by the vendor and the fees, applicable to the county, including all data associated with

1 the local recording fees, shall be remitted by the vendor to  
2 each participating county no less than twice per month.

3 (b) A county may participate in the program by  
4 written agreement between the county commission, judge of  
5 probate, and the Secretary of State. Any agreement shall be a  
6 voluntary decision made exclusively by the county. The  
7 Secretary of State or the applicable county may terminate an  
8 agreement at any time upon 120 days' written notice. Upon  
9 written notice of termination, the Secretary of State shall  
10 instruct the electronic process vendor that it shall finalize  
11 and transmit all final recording fees collected, and all data  
12 related thereto, to the applicable county not more than 30  
13 days after the date on which use of the electronic system  
14 ceases.

15 (c) The cooperation between the Secretary of State  
16 and a county shall be at no additional cost to the county or  
17 the state.

18 (d) The cooperation between the Secretary of State  
19 and a county as provided for in this section shall satisfy any  
20 and all fee and filing requirements whether prescribed by  
21 general law, general law of local application, or local law  
22 applicable to the participating county, and, furthermore,  
23 fulfill any and all statutory requirements of a county  
24 commission, judge of probate, and the Secretary of State as it  
25 relates to filing activities of business entities.

26 (e) A judge of probate may continue to provide  
27 filing services pursuant to current procedures and is in no

1 way bound or obligated to participate in the electronic  
2 process for the recordation of filing activities as provided  
3 for by this section.

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