

1 HB685
2 138880-1
3 By Representatives Rogers and Moore (M) (N & P)
4 RFD: Jefferson County Legislation
5 First Read: 12-APR-12

2
3
4
5
6
7
8
9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 Relating to Jefferson County; to provide for the
14 installation and maintenance of an improved system of
15 indexing, recording, archiving, and retrieving documents
16 recorded and filed in the office of the judge of probate; to
17 provide for the collection and disposition of a special
18 indexing and filing fee for the operation of the probate
19 office and for the Birmingham-Jefferson County Transit
20 Authority; to provide that the system shall constitute
21 official and permanent records in Jefferson County; to provide
22 for the collection and disposition of special indexing and
23 filing fees on every case filed in probate court; to provide
24 for the appointment of confidential assistants by the judge of
25 probate; and to amend Act 94-324 of the 1994 Regular Session
26 (Acts 1994, p. 570), to further provide for the salary of the
27 chief clerk of the probate court.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. This act shall apply only in Jefferson
3 County.

4 Section 2. The purpose of this act is to facilitate
5 the use of public records in property transactions in
6 Jefferson County by providing for the installation of an
7 improved system of indexing, recording, archiving, and
8 retrieving instruments and documents affecting the title to
9 real and personal property that are recorded in the office of
10 the judge of probate and for the indexing, recording,
11 archiving, and retrieving of other instruments, documents, and
12 other uses in the discretion of the judge of probate.

13 Section 3. (a) The judge of probate is authorized to
14 index and retain all or parts of the records of the probate
15 court for archival and access purposes utilizing optical
16 disks, magnetic tapes, solid state memory devices, or other
17 computerized or electronic methods for records indexing,
18 storage, and retrieval, or any combination thereof. The use of
19 microfilm or other microform medium to retain and archive
20 probate court records may be discontinued and replaced with
21 digitized or scanned images of the records previously
22 maintained on microfilm or other microform medium. The
23 electronic images shall constitute official records of the
24 probate court and may be compiled and certified and provided
25 to the public at reasonable cost and in accordance with
26 applicable statutes.

1 (b) Following the effective installation date, real
2 property instruments, personal property instruments, and other
3 documents and records to be indexed, recorded, archived, and
4 retrieved with computer-generated files or to be stored and
5 filed on either optical disk or on paper, as determined by the
6 judge of probate, shall constitute the official record of
7 instruments for the purpose of Section 12-13-43, Code of
8 Alabama 1975.

9 (c) The office of the judge of probate shall
10 establish policies to administer access to computerized index
11 information and digitized images maintained in the probate
12 court pursuant to this act.

13 Section 4. (a) Effective June 1, 2012, a special
14 indexing and filing fee of eleven dollars (\$11) shall be paid
15 to and collected by the judge of probate with respect to each
16 real property instrument or personal property instrument and
17 for the recording of other instruments and documents in the
18 probate office at the discretion of the judge of probate. On
19 and after June 1, 2012, no document or instrument shall be
20 received for record in the office of the judge of probate
21 unless the special indexing and filing fee of eleven dollars
22 (\$11) is paid. The special indexing and filing fee shall be in
23 addition to all other fees, taxes, and charges required by law
24 to be paid upon the filing or recording of any document or
25 instrument or judicial case filed in the office of the judge
26 of probate.

1 (b) All special indexing and filing fees collected
2 shall be deposited into the Judge of Probate Fund, with 50
3 percent being retained by the office of the judge of probate
4 to be used for the payment of salaries for confidential
5 judicial assistants and an improved indexing, recording,
6 archiving, and retrieving system and other equipment,
7 maintenance, and services necessary for the improvement of the
8 office of the judge of probate. The remaining 50 percent shall
9 be distributed to the Birmingham-Jefferson County Transit
10 Authority.

11 (c) The portion of the special indexing and filing
12 fee retained by the office of the judge of probate shall be in
13 addition to funds provided by the county commission from the
14 Jefferson County General Fund.

15 Section 5. (a) The judge of probate is authorized to
16 appoint and employ a confidential judicial assistant to assist
17 with the operation of the office of the judge of probate who
18 shall serve at the pleasure of the judge of probate.

19 (b) A confidential judicial assistant shall be
20 entitled to receive, at the approval of the presiding judge of
21 probate, a salary not more than the equivalent of salary grade
22 level 23, or its equivalent if grade levels are hereafter
23 renumbered, as established by the Jefferson County Personnel
24 Board.

25 (c) A confidential judicial assistant shall not be
26 subject to any merit system applicable to the employees of
27 Jefferson County. If the person appointed confidential

1 judicial assistant is an employee of Jefferson County in a
2 position subject to a merit system, the person, upon the date
3 of termination as a confidential judicial assistant, shall be
4 entitled to return to the employ of Jefferson County in a
5 position subject to the merit system classification equal to
6 or higher in grade than the position held by the person as of
7 the date the person was initially employed as a confidential
8 judicial assistant.

9 (d) If the person subsequently returns to employment
10 with the county in a merit system classification as described
11 herein, service time as a confidential judicial assistant
12 shall be considered for all purposes as service time as a
13 merit system employee of Jefferson County.

14 (e) A confidential judicial assistant shall be
15 entitled to the same employee benefits as a merit system
16 employee of Jefferson County with an equivalent salary grade.
17 The office of the judge of probate shall transfer funds to the
18 Jefferson County General Fund to be paid to the confidential
19 judicial assistants on a bi-weekly basis.

20 (f) A confidential judicial assistant may become a
21 member of any pension plan available to employees of Jefferson
22 County, if application for membership is made to the pension
23 plan within 30 days of the date of employment as a
24 confidential judicial assistant.

25 Section 6. Section 1 of Act 94-324 of the 1994
26 Regular Session (Acts 1994, p. 570), is amended to read as
27 follows:

1 "Section 1. In Jefferson County, where the chief
2 clerk of the probate court appointed pursuant to Section
3 12-13-40, Code of Alabama 1975, is also serving in a civil
4 service position with the probate court, the chief clerk shall
5 receive a salary in the sum of ~~ten~~ twenty thousand dollars
6 ~~(\$10,000)~~ (\$20,000) per year for the appointed position. The
7 salary shall be paid from the general fund of the county in
8 equal monthly installments and shall be in addition to any
9 other salary, allowances, or benefits the chief clerk
10 receives, now or in the future, by virtue of holding a civil
11 service position with the probate court."

12 Section 7. The provisions of this act are
13 cumulative. Nothing contained in this act shall alter or
14 change any existing law relating to charges and fees otherwise
15 to be collected by the office of the judge of probate.

16 Section 8. All laws or parts of laws that conflict
17 with this act are repealed.

18 Section 9. This act shall become effective
19 immediately upon its passage and approval by the Governor, or
20 its otherwise becoming a law.