

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

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ENROLLED, An Act,

Relating to Jefferson County; to provide for the installation and maintenance of an improved system of indexing, recording, archiving, and retrieving documents recorded and filed in the office of the judge of probate; to provide for the collection and disposition of a special indexing and filing fee for the operation of the probate office; to provide that the system shall constitute official and permanent records in Jefferson County; to provide for the collection and disposition of special indexing and filing fees on every case filed in probate court; to provide for the appointment of confidential assistants by the judge of probate; and to amend Act 94-324 of the 1994 Regular Session (Acts 1994, p. 570), to further provide for the salary of the chief clerk of the probate court.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

Section 2. The purpose of this act is to facilitate the use of public records in property transactions in Jefferson County by providing for the installation of an improved system of indexing, recording, archiving, and retrieving instruments and documents affecting the title to real and personal property that are recorded in the office of

1 the judge of probate and for the indexing, recording,  
2 archiving, and retrieving of other instruments, documents, and  
3 other uses in the discretion of the judge of probate.

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

18 (b) Following the effective installation date, real  
19 property instruments, personal property instruments, and other  
20 documents and records to be indexed, recorded, archived, and  
21 retrieved with computer-generated files or to be stored and  
22 filed on either optical disk or on paper, as determined by the  
23 judge of probate, shall constitute the official record of  
24 instruments for the purpose of Section 12-13-43, Code of  
25 Alabama 1975.

1           (c) The office of the judge of probate shall  
2 establish policies to administer access to computerized index  
3 information and digitized images maintained in the probate  
4 court pursuant to this act.

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

19           (b) All special indexing and filing fees collected  
20 shall be deposited into the Judge of Probate Fund, ~~with 50~~  
21 ~~percent being~~ and retained by the office of the judge of  
22 probate to be used for the payment of salaries for  
23 confidential judicial assistants and an improved indexing,  
24 recording, archiving, and retrieving system and other  
25 equipment, maintenance, and services necessary for the

1 improvement of the office of the judge of probate. ~~The~~  
2 ~~remaining 50 percent shall be distributed to the~~  
3 ~~Birmingham-Jefferson County Transit Authority.~~

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

8 Section 5. (a) The judge of probate is authorized to  
9 appoint and employ a confidential judicial assistant to assist  
10 with the operation of the office of the judge of probate who  
11 shall serve at the pleasure of the judge of probate.

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

18 (c) A confidential judicial assistant shall not be  
19 subject to any merit system applicable to the employees of  
20 Jefferson County. If the person appointed confidential  
21 judicial assistant is an employee of Jefferson County in a  
22 position subject to a merit system, the person, upon the date  
23 of termination as a confidential judicial assistant, shall be  
24 entitled to return to the employ of Jefferson County in a  
25 position subject to the merit system classification equal to

1 or higher in grade than the position held by the person as of  
2 the date the person was initially employed as a confidential  
3 judicial assistant.

4 (d) If the person subsequently returns to employment  
5 with the county in a merit system classification as described  
6 herein, service time as a confidential judicial assistant  
7 shall be considered for all purposes as service time as a  
8 merit system employee of Jefferson County.

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

15 (f) A confidential judicial assistant may become a  
16 member of any pension plan available to employees of Jefferson  
17 County, if application for membership is made to the pension  
18 plan within 30 days of the date of employment as a  
19 confidential judicial assistant.

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

23 "Section 1. In Jefferson County, where the chief  
24 clerk of the probate court appointed pursuant to Section  
25 12-13-40, Code of Alabama 1975, is also serving in a civil

1 service position with the probate court, the chief clerk shall  
2 receive a salary in the sum of ~~ten~~ twenty thousand dollars  
3 ~~(\$10,000)~~ (\$20,000) per year for the appointed position. The  
4 salary shall be paid from the general fund of the county in  
5 equal monthly installments and shall be in addition to any  
6 other salary, allowances, or benefits the chief clerk  
7 receives, now or in the future, by virtue of holding a civil  
8 service position with the probate court."

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

13 Section 8. All laws or parts of laws that conflict  
14 with this act are repealed.

15 Section 9. This act shall become effective  
16 immediately upon its passage and approval by the Governor, or  
17 its otherwise becoming a law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 08-MAY-12.

Greg Pappas  
Clerk

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|--------|-----------|-------------------------------|
| Senate | 16-MAY-12 | Amended and Passed            |
| House  | 16-MAY-12 | Concurred in Senate Amendment |