

# HB348 INTRODUCED



1 HB348  
2 W6VS995-1  
3 By Representative Blackshear (N & P)  
4 RFD: Local Legislation  
5 First Read: 27-Feb-25



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to Russell County, to amend Section 45-57-83.40, Code of Alabama 1975, to further provide for assessment of the probate recording fee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-57-83.40, Code of Alabama 1975, is amended to read as follows:

"§45-57-83.40

(a) Pursuant to the authority granted by ~~Amendment 380~~ to Section 57-8.00 of the Constitution of Alabama of ~~1901~~2022, and ~~subsection (d) of~~ Section 12-19-90 (d), in Russell County, a recording fee ~~of five dollars (\$5)~~ shall be paid to the county and collected by the judge of probate, with respect to each instrument that may be filed for record in the office of the judge of probate and for each marriage license issued. No instrument shall be received for record in the office of the judge of probate, and no marriage license shall be issued, unless the recording fee ~~of five dollars (\$5)~~ is paid.

(b) The county commission, by resolution, may establish the recording fee in an amount not to exceed 10 dollars (\$10).

The recording fee shall be in addition to all other fees,



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29 taxes, and other charges required by law to be paid upon the  
30 filing for record of any instrument in the probate office or  
31 for issuing any marriage license.

32 (c) All recording fees ~~so~~ collected pursuant to this  
33 section shall be deposited by the judge of probate in an  
34 account in a bank or other financial institution doing  
35 business in Russell County, ~~which.~~ The account shall be  
36 maintained and managed by the judge of probate ~~and accumulated~~  
37 for the purpose of modernizing the records and record keeping  
38 of the probate office, and the funds in the account may be  
39 spent at the discretion of the judge of probate.

40 (d) The recording fees collected ~~are not to~~ may not be  
41 used to offset the cost to the county general fund for the  
42 general operation of the probate office unless the judge of  
43 probate, at his or her sole discretion, declares the funds, or  
44 some portion thereof, to be in excess of the amounts needed  
45 for the purpose of modernization.

46 ~~(b) The fees provided by this section shall be levied~~  
47 ~~only upon a recorded roll call vote of the county commission~~  
48 ~~and shall be effective for a period of two years from the date~~  
49 ~~the fees become effective. Thereafter, the fees may be~~  
50 ~~extended for additional two-year periods upon a recorded roll~~  
51 ~~call vote of the county commission.~~

52 (e) The fees collected under this section shall be  
53 controlled by the sole discretion of the judge of probate and  
54 shall be audited by the Department of Examiners of Public  
55 Accounts."

56 Section 2. This act shall become effective on October



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57 1, 2025.