

1 HB188
2 195704-1
3 By Representatives Fridy, Simpson, Estes and Kiel
4 RFD: State Government
5 First Read: 19-MAR-19

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8 SYNOPSIS: Under existing law, the Secretary of State
9 is required to bind and distribute volumes of
10 legislative acts and resolutions adopted each
11 legislative session to various entities.

12 This bill would authorize the Secretary of
13 State to distribute volumes of the legislative acts
14 and resolutions in electronic format, including
15 posting the acts and resolutions on the public
16 website of the Secretary of State and provide for
17 notice to all recipients.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 Relating to the Secretary of State; to amend
24 Sections 36-14-1, 36-14-11, 36-14-12, and 36-14-13, Code of
25 Alabama 1975, to authorize the Secretary of State to
26 distribute volumes of legislative acts and resolutions and

1 other documents in electronic format; and to provide for
2 notice to all recipients.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 36-14-1, 36-14-11, 36-14-12, and
5 36-14-13, Code of Alabama 1975, are amended to read as
6 follows:

7 "§36-14-1.

8 "It is the duty of the Secretary of State:

9 "(1) To keep the state seal, the original statutes
10 and public records of the state, and the records and papers
11 belonging to the Legislature, keeping the papers of each house
12 separate.

13 "(2) To attest commissions and all other public
14 documents from the executive of the state and, when necessary,
15 to affix the seal of the state thereto and to certify the same
16 in his or her official capacity.

17 "(3) To record, in books proper for that purpose,
18 all grants and patents issued by the state.

19 "(4) To keep all books, maps, and other papers
20 appertaining to the survey of lands belonging to the state and
21 the books and papers belonging to the land office.

22 "(5) To keep in his or her office the books, maps,
23 and field notes of the late surveyor general of the United
24 States for this state which are public archives of the state
25 and, upon application, to give certified copies of the same,
26 which shall be received in evidence in any of the courts of
27 this state.

1 "(6) To ~~certify~~, on application and the payment of
2 lawful fees, certify copies of all records, grants, papers,
3 and laws of the several states or of the United States.

4 "(7) To make annually, by September 30, a verified
5 and itemized account of all money and fees received in his or
6 her office and of all payments and disbursements made ~~by him~~,
7 which must be reported to and filed with the Governor, and ~~by~~
8 ~~him must be~~ transmitted to the next succeeding Legislature.

9 "(8) To give notice to the district attorneys of the
10 respective circuits or counties of all officers who fail to
11 file their bonds in his or her office, or make returns of
12 elections within the time prescribed.

13 "(9) To procure the acts and resolutions of the
14 Legislature, ~~of which distribution is directed, to be half~~
15 ~~bound and lettered.~~

16 "(10) To receive from the state printer 10
17 additional copies of all bills, joint resolutions, and
18 memorials printed by order of either house of the Legislature
19 and, on the adjournment of each session of the Legislature, to
20 have one of each of such copies bound together in a cheap form
21 and file them and the copies not bound in his or her office.

22 "(11) On entering into the contract provided for in
23 Section 11-3-25, to furnish to the county commissions, from
24 the records now in his or her office, exact copies of the
25 field notes of the original surveys of all the lands in their
26 respective counties, which shall be books of proper size to be
27 supplied by such courts, at the close of which he or she shall

1 append his or her certificate as to the correctness thereof
2 under the Great Seal of the State.

3 "(12) To procure from the general land office in
4 Washington, D.C., complete lists of the entries of public
5 lands in Alabama, so as to be enabled to complete the Alabama
6 state tract books in his or her office to date, the expense
7 attending the procurement of which to be paid upon his or her
8 certificate to the Comptroller, or who shall draw a warrant on
9 the Treasurer.

10 "(13) To procure lists of entries of public lands in
11 this state annually, so as to comply with ~~the following~~
12 subdivision ~~of this section~~ (14), the expense to be paid as
13 provided in ~~the preceding~~ subdivision (12).

14 "(14) To enter on the tract books, by October 1 of
15 each year, a list of all the lands (not already so entered)
16 sold by the United States, and to make out and furnish each
17 probate judge, by January 1 of each year, a register or
18 statement showing all the lands so sold in the county of such
19 judge and not embraced in any register or statement previously
20 furnished.

21 "(15) To file all deeds or leases heretofore given
22 or which may be hereafter given conveying real property to the
23 State of Alabama, or any of its departments, agencies,
24 commissions, boards, institutions, or public corporations
25 brought into existence by act of the Legislature, except tax
26 sales deeds, in the office of the Secretary of State. The
27 Secretary of State shall promptly record the deeds so filed in

1 his or her office by writing, typewriting, ~~or by~~ photostat, or
2 by electronic format and shall preserve the deeds as recorded
3 in a well-bound book if not stored in electronic format. The
4 Secretary of State shall be required to furnish a certified
5 copy of all deeds filed for record in his or her office to any
6 department, agency, commission, board, institution, or public
7 corporation created by act of the Legislature, when any such
8 department, agency, commission, board, institution, or public
9 corporation formed or created by act of the Legislature
10 desires a certified copy of such deed.

11 "(16) To perform such other duties as he or she is
12 or may be required by law to perform.

13 "(17) To implement a central filing system that
14 complies with regulations promulgated by the Secretary of the
15 United States Department of Agriculture pertaining to central
16 filing of liens on farm products.

17 "§36-14-11.

18 "(a) The Secretary of State shall retain for the use
19 of the executive offices and the two houses of the Legislature
20 the number of copies of all volumes of the acts and
21 resolutions of each session necessary to provide for
22 distribution pursuant to law. The Secretary of State shall
23 transmit to the Department of State of the United States two
24 copies of each volume, and distribute to the Governor,
25 Treasurer, Auditor, Superintendent of Education, Commissioner
26 of Agriculture and Industries, State Health Officer, Adjutant
27 General, the ~~Board~~ Department of Corrections, President and

1 each Associate Commissioner of the Public Service Commission,
2 Commissioner of Conservation and Natural Resources, Department
3 of Revenue, Clerk of the Supreme Court, Secretary of the
4 Senate and Clerk of the House of Representatives two copies of
5 each volume, to the Attorney General and Secretary of State,
6 three copies, to the Department of Archives and History, five
7 copies, to the Chief Examiner of the Department of Examiners
8 of Public Accounts, 40 copies, and to the President of the
9 University of Alabama, for the law department, 8 copies of
10 each volume, and to each judge of the Supreme Court, Court of
11 Civil Appeals, Court of Criminal Appeals, circuit court,
12 district attorney, United States District Judge, and United
13 States Attorney in this state one copy of each volume, and to
14 the Supreme Court Library, 11 copies of each volume, and to
15 the Department of Justice of the United States, 1 one copy of
16 each volume, and to the United States Circuit Court of Appeals
17 for the Eleventh Circuit, 1 one copy of each volume, and to the
18 Librarian of Congress at Washington, for the purpose of
19 copyright, two copies of each volume, and to the University of
20 Alabama, for the Land Commissioner, the University of
21 Montevallo, each normal school in the state, Auburn
22 University, and to each district agricultural school in the
23 state, 1 one copy of each volume. Any department, officer, or
24 court named in this section may reduce or refuse the
25 allocation of acts upon written request to the Secretary of
26 State.

1 "(b) (1) In lieu of binding and distributing copies
2 of each volume of acts and resolutions as required under
3 subsection (a), the acts and resolutions may be stored in
4 electronic format and distributed by electronic means,
5 including the posting of the acts and resolutions on the
6 public website of the Secretary of State.

7 "(2) If the Secretary of State elects to distribute
8 copies of each volume of acts and resolutions by electronic
9 means as provided in subdivision (1), he or she may provide
10 written notice by regular mail to all recipients as soon as
11 practicable.

12 "§36-14-12.

13 "~~The Secretary of State is hereby authorized and~~
14 ~~directed to~~ shall furnish, by electronic means or otherwise,
15 to the Library of Congress, for the Division of Documents,
16 ~~eight copies~~ a copy of the general and local laws of the State
17 of Alabama for each session.

18 "§36-14-13.

19 "(a) The Secretary of State must also transmit to
20 the ~~chairman~~ chair of the county commission and the judges of
21 probate of each county, for such judge, each member of the
22 Legislature, clerk of any court of record, sheriff, and
23 register of the circuit court, one copy of each volume. The
24 remaining copies must be sold as other books and documents,
25 the property of the state, at a price to be established by the
26 Secretary of State, and the proceeds thereof paid into the
27 Treasury.

1 "(b) (1) In lieu of binding and distributing copies
2 of each volume of acts and resolutions as required under
3 subsection (a), the distribution may be made by electronic
4 means, including the posting of the acts and resolutions on
5 the public website of the Secretary of State.

6 "(2) If the Secretary of State elects to distribute
7 copies of each volume of acts and resolutions by electronic
8 means as provided in subdivision (1), he or she may provide
9 written notice by regular mail to all recipients as soon as
10 practicable.

11 Section 2. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.