

1 SB424  
2 199739-1  
3 By Senator Ward (N & P)  
4 RFD: Shelby County Legislation  
5 First Read: 22-MAY-19

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Shelby County; to amend Section 7 of Act  
14 248, 1975 Regular Session (Acts 1975, p. 778), as last amended  
15 by Act 2016-221, 2016 Regular Session, relating to the office  
16 of the judge of probate; to further provide for a special  
17 recording fee on real property and personal property  
18 instruments; and to provide for the distribution of the  
19 additional fee.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 7 of Act 248, 1975 Regular  
22 Session (Acts 1975, p. 778), as last amended by Act 2016-221,  
23 2016 Regular Session, is amended to read as follows:

24 "Section 7. Special Recording Fees. A special index  
25 fee of ~~nine dollars (\$9)~~ sixteen dollars (\$16) shall be paid  
26 to the county, and collected by the judge of probate with  
27 respect to each real property instrument and each personal

1 property instrument filed for record in the office of the  
2 judge of probate and for the recording of other instruments  
3 and documents in the probate office in the discretion of the  
4 governing body of the county. No instrument shall be recorded  
5 in the office of the judge of probate unless the special index  
6 fee of sixteen dollars (\$16) is paid. The special index fee  
7 shall be in addition to all other fees, taxes, and other  
8 charges required by law for recording any real property  
9 instrument or personal property instrument, and for the  
10 recording of other instruments and documents in the office of  
11 the judge of probate in the discretion of the governing body  
12 of the county. All special index fees collected shall be  
13 deposited into the county treasury and credited to the account  
14 of a special fund to be expended as follows:

15 " (1) Of the fee collected, ~~five dollars (\$5)~~ seven  
16 dollars (\$7) shall be designated for payment of ~~initial~~  
17 installation costs, maintenance, and upgrades to electronic  
18 records systems utilized by the probate court and the costs as  
19 needed of additional equipment ~~including, but not limited to,~~  
20 ~~computer hardware and software,~~ that may be added to the  
21 probate office from time to time ~~and for other expenses in the~~  
22 ~~operation of the office at the discretion of the judge of~~  
23 probate. Any sums deposited or collected in excess of those  
24 needed for the purpose stated herein, in the sole discretion  
25 of the judge of probate, may be expended for the operations of  
26 the office of the judge of probate.

1           "(2) Of the fee collected, ~~two dollars (\$2)~~ three  
2 dollars (\$3) shall be designated for the operating expenses of  
3 the Shelby County Legislative Delegation Constituents' Office.  
4 The fund shall be managed by the chair of the Shelby County  
5 Legislative Delegation Office.

6           "(3) Of the fees collected, ~~two dollars (\$2)~~ six  
7 dollars (\$6) shall be designated for the operation of mental  
8 health programs serving the county ~~to~~. One half of the total  
9 fee collected for mental health programs, three dollars (\$3),  
10 shall be administered by the judge of probate in his or her  
11 sole discretion and one half of the total fee collected for  
12 mental health programs, three dollars (\$3), shall be  
13 administered by the Shelby County Commission. The county  
14 commission funds shall be deposited into the county general  
15 fund and earmarked for the operation of mental health programs  
16 serving the county in accordance with this act.

17           ~~"Any sums deposited or collected in excess of those~~  
18 ~~needed to implement this act, in the sole discretion of the~~  
19 ~~judge of probate, may be expended for the operations of the~~  
20 ~~office of the judge of probate."~~

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