

1 HB638  
2 168899-1  
3 By Representatives Fridy, Mooney and Wingo  
4 RFD: Ways and Means General Fund  
5 First Read: 07-MAY-15

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8 SYNOPSIS: Under existing law, funds in the Secretary  
9 of State's Information Bulk Sales Fund may be used  
10 for any purpose, provided the funds are allotted  
11 and budgeted in accordance with law.

12 This bill would authorize the Information  
13 Bulk Sales Fund to be used for the administration  
14 of the Office of the Secretary of State.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 Relating to the Information Bulk Sales Fund; to  
21 amend Section 7-9A-523, Code of Alabama 1975; to authorize the  
22 Information Bulk Sales Fund to be used for the administration  
23 of the Office of the Secretary of State.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 7-9A-523, Code of Alabama 1975,  
26 is amended to read as follows:

27 "§7-9A-523.

1           "(a) Acknowledgment of filing written record. If a  
2 person that files a written record requests an acknowledgment  
3 of the filing, the filing office shall send to the person an  
4 image of the record showing the number assigned to the record  
5 pursuant to Section 7-9A-519(a)(1) and the date and time of  
6 the filing of the record. However, if the person furnishes a  
7 copy of the record to the filing office, the filing office may  
8 instead:

9           "(1) note upon the copy the number assigned to the  
10 record pursuant to Section 7-9A-519(a)(1) and the date and  
11 time of the filing of the record; and

12           "(2) send the copy to the person.

13           "(b) Acknowledgment of filing other record. If a  
14 person files a record other than a written record, the filing  
15 office shall communicate to the person an acknowledgment that  
16 provides:

17           "(1) the information in the record;

18           "(2) the number assigned to the record pursuant to  
19 Section 7-9A-519(a)(1); and

20           "(3) the date and time of the filing of the record.

21           "(c) Communication of requested information. The  
22 filing office shall communicate or otherwise make available in  
23 a record the following information to any person that requests  
24 it:

25           "(1) whether there is on file on a date and time  
26 specified by the filing office, but not a date earlier than

1 three business days before the filing office receives the  
2 request, any financing statement that:

3 "(A) designates a particular debtor or, if the  
4 request so states, designates a particular debtor at the  
5 address specified in the request;

6 "(B) has not lapsed under Section 7-9A-515 with  
7 respect to all secured parties of record; and

8 "(C) if the request so states, has lapsed under  
9 Section 7-9A-515 and a record of which is maintained by the  
10 filing office under Section 7-9A-522(a);

11 "(2) the date and time of filing of each financing  
12 statement; and

13 "(3) the information provided in each financing  
14 statement.

15 "(d) Medium for communicating information. In  
16 complying with its duty under subsection (c), the filing  
17 office may communicate information in any medium. However, if  
18 requested, the filing office shall communicate information by  
19 issuing its written certificate.

20 "(e) Timeliness of filing office performance. The  
21 filing office shall perform the acts required by subsections  
22 (a) through (d) at the time and in the manner prescribed by  
23 filing-office rule. The filing office should perform the  
24 required acts within a reasonable period of time, and after  
25 January 1, 2003, not later than two business days after the  
26 filing office receives the request.

1           "(f) Public availability of records. The Secretary  
2 of State shall adopt a rule pursuant to the Alabama  
3 Administrative Procedure Act which provides a procedure and  
4 reasonable fees for the sale or licensing to the public on a  
5 nonexclusive basis, in bulk, of copies of all records filed in  
6 the office of the Secretary of State under this part. There is  
7 hereby created in the State Treasury a fund to be known as the  
8 Secretary of State's Information Bulk Sales Fund. Section  
9 7-9A-525 or any other law to the contrary notwithstanding, all  
10 funds, fees, charges, costs and collections accruing to or  
11 collected by the office of the Secretary of State under the  
12 provisions of this section shall be deposited into the State  
13 Treasury to the credit of this fund and ~~shall not be expended~~  
14 ~~for any purpose whatsoever unless the same shall~~ may be  
15 expended for any purpose whatsoever related to the  
16 administration of the Office of the Secretary of State as  
17 determined by the Secretary of State, provided the funds have  
18 been allotted and budgeted in accordance with the provisions  
19 of Article 4 of Chapter 4 of Title 41, and only in the amounts  
20 and for the purposes provided by the Legislature in the  
21 general appropriation bill or this section.

22           "(g) The Secretary of State shall develop and  
23 implement a central indexing system containing the information  
24 filed with his or her office pursuant to subsection (f) of  
25 Section 7-9A-320. Under this system, the Secretary of State  
26 shall record the date and time of filing and compile the  
27 information into a master list organized according to farm

1 products. The list shall be organized within each farm product  
2 category in alphabetical order according to the last name of  
3 the debtor, or in the case of debtors doing business other  
4 than as individuals, the first word in the name of such  
5 debtor, in numerical order according to the Social Security or  
6 taxpayer identification number of the debtor, geographically  
7 by county, and by crop year. The master list also shall  
8 contain the name and address of the secured party, the name  
9 and address of the debtor, a description of the farm products,  
10 including amount where applicable, subject to the security  
11 interest and a reasonable description of the real estate,  
12 including the county, where the farm products are located.

13 "(h) The Secretary of State shall maintain a list of  
14 all buyers of farm products, commission merchants, and selling  
15 agents who register with the Secretary of State indicating an  
16 interest in receiving the lists described in subsection (i).

17 "(i) The Secretary of State shall distribute at  
18 regular intervals as determined by him or her, to each buyer,  
19 commission merchant, and selling agent registered under  
20 subsection (h) a copy in written or printed form or, if  
21 elected by the buyer, commission merchant, or selling agent in  
22 accordance with procedures established by the Secretary of  
23 State, in electronic form, of those portions of the master  
24 list which the buyer, commission merchant, or selling agent  
25 has indicated an interest in receiving. The charge for a  
26 printed copy of the entire or any portion of the master list  
27 and any supplements to that list shall be a fee established by

1 the Secretary of State of up to twenty-five cents (\$.25) per  
2 page, but no buyer, commission merchant, or selling agent  
3 shall be obligated to pay more than two thousand dollars  
4 (\$2,000) per year in charges for a printed copy of each  
5 distributed master list or portion thereof. The charge for  
6 receiving the entire or any portion of the master list in  
7 electronic form shall be a fee established by the Secretary of  
8 State of up to one hundred dollars (\$100) annually.

9 "(j) Upon request of any person, the Secretary of  
10 State shall provide, within 24 hours, an oral confirmation of  
11 whether there is on file, on the date and hour stated, any  
12 presently effective financing statement naming a particular  
13 debtor to be followed by a written confirmation. The fee for  
14 confirming an oral search shall be twenty dollars (\$20) plus  
15 two dollars (\$2) for each financing statement and for each  
16 statement of assignment reported therein."

17 Section 2. This act shall become effective  
18 immediately following its passage and approval by the  
19 Governor, or its otherwise becoming law.