

**SUMMARIES**  
**OF**  
**GENERAL LAWS ENACTED AND**  
**CONSTITUTIONAL AMENDMENTS PROPOSED**  
**AT THE**  
**2012 REGULAR SESSION**  
**FEBRUARY 7, 2012 TO MAY 16, 2012**  
**AND THE**  
**2012 SPECIAL SESSION**  
**MAY 17, 2012 TO MAY 24, 2012**

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**Legislative Reference Service**  
**613 Alabama State House**  
**Montgomery, Alabama 36130**



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## **2012 REGULAR SESSION SUMMARIES**

Act 2012-54, HB144, amends 40-9B-3 and 40-18-190, Code of Alabama 1975, to expand existing tax incentives to investments by companies primarily engaged in the coal mining industry. The act also requires the Department of Revenue to submit an annual report to the Legislature and the public regarding the number of qualifying projects claiming the capital credits and abatements provided by the act.

EFFECTIVE DATE: March 1, 2012.

Act 2012-55, SB60, amends Sections 38-13-2, 38-13-3, 38-13-4, and 38-13-7, Code of Alabama 1975, to make clarifying changes to the laws governing the use of criminal background checks for certain individuals providing care for children, the elderly, and the disabled. The act also allows permissive prosecution of individuals who inadvertently provide false information regarding their criminal history. The act clarifies certain duties of the Department of Human Resources, the Department of Education, and the Department of Public Safety regarding criminal background checks. The act also clarifies the types of suitability determinations which may be considered for reversal.

EFFECTIVE DATE: June 1, 2012.

Act 2012-95, SB108, continues the existence and functioning of the Alabama Board of Cosmetology pursuant to the Alabama Sunset Law until October 1, 2013.

EFFECTIVE DATE: March 26, 2012.

Act 2012-96, SB109, continues the existence and functioning of the Alabama Real Estate Appraisers Board pursuant to the Alabama Sunset Law until October 1, 2016. The act also amends Section 34-27A-20, Code of Alabama 1975, to limit the authority of the board to discipline an appraiser to no more than two private reprimands per appraiser.

EFFECTIVE DATE: March 26, 2012.

Act 2012-97, SB110, continues the existence and functioning of the State Board of Auctioneers pursuant to the Alabama Sunset Law until October 1, 2016. The act also amends Section 34-4-21, Code of Alabama 1975, to clarify the time period in which a license may be renewed.

EFFECTIVE DATE: March 26, 2012.

Act 2012-98, SB111, continues the existence and functioning of the Public Service Commission pursuant to the Alabama Sunset Law until October 1, 2013.

EFFECTIVE DATE: March 26, 2012.

Act 2012-99, SB112, continues the existence and functioning of the State Pilotage Commission pursuant to the Alabama Sunset Law until October 1, 2016.

EFFECTIVE DATE: March 26, 2012.

Act 2012-100, SB113, continues the existence and functioning of the Commercial Mobile Radio Service Board pursuant to the Alabama Sunset Law until October 1, 2014.

EFFECTIVE DATE: March 26, 2012.

Act 2012-101, SB114, continues the existence and functioning of the Plumbers and Gas Fitters Examining Board pursuant to the Alabama Sunset Law until October 1, 2016. The act also amends Section 34-37-3, Code of Alabama 1975, to authorize board members to remain in office until new board members are appointed and qualified.

EFFECTIVE DATE: March 26, 2012.

Act 2012-102, SB115, continues the existence and functioning of the Alabama Board of Electrical Contractors pursuant to the Alabama Sunset Law. The act also amends Section 34-36-7, Code of Alabama 1975, to require applicants for licensure to be United States citizens or legally present in the United States.

EFFECTIVE DATE: March 26, 2012.

Act 2012-103, SB116, continues the existence and functioning of the Board of Heating, Air Conditioning, and Refrigeration Contractors pursuant to the Alabama Sunset Law until October 1, 2016.

EFFECTIVE DATE: March 26, 2012.

Act 2012-104, SB117, continues the existence and functioning of the Department of Insurance pursuant to the Alabama Sunset Law until October 1, 2014.

EFFECTIVE DATE: March 26, 2012.

Act 2012-105, SB118, continues the existence and functioning of the Alabama Board of Examiners in Psychology pursuant to the Alabama Sunset Law until October 1, 2016.

EFFECTIVE DATE: March 26, 2012.

Act 2012-106, SB119, continues the existence and functioning of the Board of Examiners of Mine Personnel pursuant to the Alabama Sunset Law until October 1, 2016. The act also amends Section 25-9-10, Code of Alabama 1975, to allow the board to charge a reasonable fee for the examination for a certificate of competency to act as a mine foreman or fire boss.

EFFECTIVE DATE: March 26, 2012.

Act 2012-107, SB120, continues the existence and functioning of the Alabama Board of Examiners in Counseling pursuant to the Alabama Sunset Law until October 1, 2016. The act also amends Sections 34-8A-4 and 34-8A-6, Code of Alabama 1975, to require members of the board to reside in different congressional districts and to further provide for the reinstatement of licenses.

EFFECTIVE DATE: March 26, 2012.

Act 2012-108, SB121, continues the existence and functioning of the Alabama Liquefied Petroleum Gas Board pursuant to the Alabama Sunset Law until October 1, 2016.

EFFECTIVE DATE: March 26, 2012.

Act 2012-109, SB122, continues the existence and functioning of the Alcoholic Beverage Control Board pursuant to the Alabama Sunset Law until October 1, 2016.

EFFECTIVE DATE: March 26, 2012.

Act 2012-110, SB123, continues the existence and functioning of the Alabama State Board of Public Accountancy pursuant to the Alabama Sunset Law until October 1, 2016.

EFFECTIVE DATE: March 26, 2012.

Act 2012-111, SB124, continues the existence and functioning of the Alabama Board of Court Reporting pursuant to the Alabama Sunset Law until October 1, 2016.

EFFECTIVE DATE: March 26, 2012.

Act 2012-112, SB125, continues the existence and functioning of the Alabama Board of Social Work Examiners pursuant to the Alabama Sunset Law until October 1, 2016.

EFFECTIVE DATE: March 26, 2012.

Act 2012-113, SB126, continues the existence and functioning of the Alabama State Board of Respiratory Therapy pursuant to the Alabama Sunset Law until October 1, 2016.

EFFECTIVE DATE: March 26, 2012.

Act 2012-114, SB127, continues the existence and functioning of the Alabama Securities Commission pursuant to the Alabama Sunset Law until October 1, 2016.

EFFECTIVE DATE: March 26, 2012.

Act 2012-115, SB128, continues the existence and functioning of the Alabama Real Estate Commission pursuant to the Alabama Sunset Law until October 1, 2016.

EFFECTIVE DATE: March 26, 2012.

Act 2012-116, SB129, continues the existence and functioning of the Alabama Board of Funeral Service pursuant to the Alabama Sunset Law until October 1, 2016.  
EFFECTIVE DATE: March 26, 2012.

Act 2012-117, SB130, continues the existence and functioning of the Board of Examiners of Assisted Living Administrators pursuant to the Alabama Sunset Law until October 1, 2016.  
EFFECTIVE DATE: March 26, 2012.

Act 2012-118, SB131, continues the existence and functioning of the Board of Boilers and Pressure Vessels pursuant to the Alabama Sunset Law until October 1, 2016.  
EFFECTIVE DATE: March 26, 2012.

Act 2012-119, SB132, continues the existence and functioning of the Board of Dental Examiners of Alabama pursuant to the Alabama Sunset Law until October 1, 2013.  
EFFECTIVE DATE: March 26, 2012.

Act 2012-167, HB151, amends Sections 41-9-201, 41-9-202, 41-9-202.1, 41-9-203, and 41-9-204, Code of Alabama 1975, to rename the Alabama Development Office and the Director of Development as the Department of Commerce and the Secretary of Commerce, respectively. The act also renames other relevant positions and authorizes the Secretary of Commerce to employ certain persons outside of the State Merit System.  
EFFECTIVE DATE: July 1, 2012.

Act 2012-168, HB152, is the “Heroes for Hire” Tax Credit Act of 2012. The act provides an additional \$1,000 tax credit for job creation to employers who hire recently deployed, and now discharged, unemployed veterans. The act also provides a \$2,000 income tax credit to recently deployed, and now discharged, unemployed veterans who start their own businesses. The act requires the Department of Industrial Relations, in coordination with the Department of Revenue, the Department of Economic and Community Affairs, and the Department of Veterans’ Affairs, to promote awareness of the tax credits, establish procedures for prequalifying a veteran and certifying an employer’s compliance, adopt measurable goals and outcomes, and submit a report on its assessment of the credits to certain House and Senate committees.  
EFFECTIVE DATE: April 2, 2012.

Act 2012-173, SB133, amends Section 17-8-1, Code of Alabama 1975, to authorize the appointment of alternate election officials subject to certain limitations based upon the population of the county. The act provides that the judge of probate or other election official in a county may provide for the appointment of additional inspectors and clerks from within the county at-large to serve as alternates in the event an appointed inspector or clerk is unable to perform his or her duties.

EFFECTIVE DATE: April 2, 2012.

Act 2012-174, HB314, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Cullman County, to grant sixteenth section and school lands located in Cullman County and held in trust by the state for educational purposes in Cullman County, to the Cullman County Board of Education. The proposed amendment also authorizes the board of education to manage, sell, lease, and control the lands and natural resources of the lands and provides for the distribution of any proceeds and interest generated by the land.

EFFECTIVE DATE: Contingent upon ratification.

Act 2012-175, SB194, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Perry County, to authorize the Legislature to fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of compensation, to be charged or received by the county sheriff.

EFFECTIVE DATE: Contingent upon ratification.

Act 2012-177, SB107, continues the existence and functioning of the Alabama Electronic Security Board of Licensure pursuant to the Alabama Sunset Law until October 1, 2016. The act also amends Section 34-1A-5, Code of Alabama 1975, to authorize the board to provide for the staggering of license renewal by rule.

EFFECTIVE DATE: April 10, 2012.

Act 2012-178, SB180, creates the Blue Alert system to provide notice to the public of potential safety threats by a suspect involved in the death or serious injury of a peace officer or when a peace officer is missing in the line of duty. The act provides the Department of Public Safety the authority to oversee and adopt rules to implement the alert system. The act also limits the liability of an entity or individual disseminating an alert generated through the system.

EFFECTIVE DATE: July 1, 2012.

Act 2012-179, SB280, is Karina's Law. The act provides for the State Registrar to issue a Certificate of Foreign Birth following a foreign adoption without judicial proceedings if certain criteria are satisfied.

EFFECTIVE DATE: January 1, 2013.

Act 2012-181, HB196, amends Sections 37-2A-2 and 37-2A-8, Code of Alabama 1975, to further define basic telephone service and to provide that a local exchange carrier is not required to provide basic telephone service subject to certain exceptions. The act further defines the carrier-of-last-resort obligation within an incumbent local exchange carrier's franchised service territory. The act removes the requirement that the local exchange carrier provide service to a residence except that, for a certain period, a resident could file a request that the Public Service Commission issue an order to provide service if the residence does not receive voice service.  
EFFECTIVE DATE: July 1, 2012.

Act 2012-184, HB512, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Etowah County, to provide that certain elected or appointed public officials in Etowah County may participate in the Employees' Retirement System in lieu of participating in the supernumerary program.  
EFFECTIVE DATE: Contingent upon ratification.

Act 2012-185, HB39, amends Section 40-23-4, Code of Alabama 1975, relating to sales tax exemptions, to exempt gross receipts from the sale of parts, components, and systems that become part of a fixed or rotary wing military aircraft or a certified transport category airplane that undergoes conversion, reconfiguration, or general maintenance, provided that the address of the aircraft for FAA registration is not in this state. The act provides that the sales tax exemption does not apply to a local sales tax unless exempted by local law or the adoption of a resolution by the local governing body.  
EFFECTIVE DATE: October 1, 2012.

Act 2012-194, SB63, amends Sections 14-7-7 and 14-7-22, Code of Alabama 1975, to authorize the Department of Corrections to contract with private industry for on-site work programs. The act clarifies that the department may sell certain articles or products manufactured by state prisoners who are participating in community correction programs or any other kind of community supervision. The act provides for vocational training and the rehabilitation of inmates through greater utilization of prison industries and requires the department to submit an annual report to the Joint Legislative Prison Committee regarding the types or kinds of prison industries initiated by the department pursuant to the act.  
EFFECTIVE DATE: April 12, 2012.

Act 2012-197, SB378, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Jackson County, to repeal Amendment No. 846 of the Constitution of Alabama of 1901, which requires the county commission to call a special election for any vacancy occurring in a county office when 12 months or more remain in the term.  
EFFECTIVE DATE: Contingent upon ratification.



Act 2012-198, HB603, amends Sections 16-33C-16 and 16-33C-20, Code of Alabama 1975, to provide that payments of tuition and mandatory fees by the PACT Program to instate public institutions of higher education between the effective date of Act 2010-725, April 30, 2010, and April 12, 2012, shall be deemed full payment. The act grants the PACT Board all necessary authority to pursue solutions to any actuarial deficit in the PACT Trust Fund. The act also repeals Sections 16-33C-17 and 16-33C-19, Code of Alabama 1975, relating to the PACT Program, retroactive to April 30, 2010.  
EFFECTIVE DATE: July 1, 2012.

Act 2012-207, SB134, amends Sections 36-32-1, 36-32-2, 36-32-3, and 36-32-5, Code of Alabama 1975, relating to the Alabama Fire College, to clarify the existence of the college as an independent institution of postsecondary education under the supervision and control of the Alabama Firefighters' Personnel Standards and Education Commission. The act revises the membership of the commission and provides the duties of the commission. The act also establishes the Joint Legislative Oversight Committee of the Alabama Firefighters' Personnel Standards and Education Commission to study and oversee all facets of the commission.  
EFFECTIVE DATE: April 17, 2012.

Act 2012-208, SB282, amends Section 41-14-30, Code of Alabama 1975, to expand the types of investments in which the State Treasurer may invest, to remove the limit restriction for investment in U.S. Treasury and agency obligations, and to allow investment in other instruments, such as commercial paper with the highest quality rating at the time of purchase and banker's acceptances.  
EFFECTIVE DATE: April 17, 2012.

Act 2012-209, HB17, amends Section 13A-9-12, Code of Alabama 1975, to establish the crime of offering a false instrument for recording against a public servant, a Class C felony. The act also authorizes a recording official to nullify or expunge a false or fraudulent lien or instrument from an official record and specifies the procedures for requesting and ordering the nullification or expungement of a record.  
EFFECTIVE DATE: April 19, 2012.

Act 2012-210, HB154, is the Alabama Data Processing Center Economic Incentive Enhancement Act of 2012. The act amends Sections 40-9B-3, 40-9B-4, 40-18-190, and 40-18-193, Code of Alabama 1975, to allow the governing body of a municipality, county, or a public industrial authority to grant abatements of certain ad valorem taxes and construction-related transaction taxes to private users of data processing centers for a period of up to 30 years and to reduce the corresponding employment thresholds, provided that certain minimum capital investment requirements are met.  
EFFECTIVE DATE: April 19, 2012.

Act 2012-211, HB161, authorizes the President of the University of South Alabama to employ police officers and specifies the duties of those officers employed.  
EFFECTIVE DATE: July 1, 2012.

Act 2012-212, HB243, amends Sections 41-7A-43, 41-7A-45, and 41-7A-48, Code of Alabama 1975, to increase the maximum amounts on state-certified entertainment industry productions, beyond which rebates for production expenditures would not be allowed, and to increase the annual cap for incentives allowed during any fiscal year.

EFFECTIVE DATE: April 19, 2012.

Act 2012-213, HB393, amends Sections 34-23-1 and 34-23-30, Code of Alabama 1975, relating to the practice of pharmacy and the operation of pharmacies, to define pharmacy services and to authorize the Alabama State Board of Pharmacy to provide by rule for the issuance, renewal, and fees relating to a pharmacy services permit. The act specifies that the creation of a pharmacy services permit does not expand or limit the existing practice of pharmacy or medicine or authorize the board to adopt regulations governing pharmacy benefit managers.

EFFECTIVE DATE: April 19, 2012.

Act 2012-214, SB73, amends Sections 6-8-60, 6-8-62, 6-8-64, and 6-8-65, Code of Alabama 1975, to authorize the electronic publication of legal notices and to require newspapers maintaining Internet websites to publish legal notices on the website in addition to publication in print. The act requires the publication of legal notices on a statewide Internet website and specifies that newspaper notices in print shall remain valid. The act also prohibits newspapers from charging additional fees for the electronic publication of legal notices and further provides for the fees associated with the publication of a notice.

EFFECTIVE DATE: July 1, 2012.

Act 2012-215, HB473, proposes an amendment to Amendment 609 the Constitution of Alabama of 1901, pertaining only to Marengo County, to provide that the judge of probate be compensated based on the population of the county as provided by general law and not at 90 percent of the rate paid a district judge in the county. Repealed by Act 2012-487.

EFFECTIVE DATE: Contingent upon ratification.

Act 2012-216, HB565, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Marshall County, to provide that the Legislature, by local law, may provide for the election of the members of the Marshall County Board of Education and for the operation of the board.

EFFECTIVE DATE: Contingent upon ratification.

Act 2012-219, SB58, authorizes the Alabama Law Institute to receive direct grants or contributions from municipal, county, state, federal, or charitable sources to conduct studies, educate public officials, and carry on the duties of the institute. The act also requires the institute to provide a public report of all funds received pursuant to the act.

EFFECTIVE DATE: April 24, 2012.

Act 2012-220, SB94, amends Section 32-5A-263, Code of Alabama 1975, to authorize a person riding a bicycle to give a hand signal for a right turn with his or her right arm. The act also provides that a child under the age of 16 is not required to comply with right-side signaling.

EFFECTIVE DATE: July 1, 2012.

Act 2012-221, HB431, is the School Board Governance Improvement Act of 2012. The act requires prospective county and municipal board of education members to publicly affirm certain principles of educational governance. The act specifies the responsibilities of board members and provides for the implementation of training and continuing education for all board members. The act provides for certain sanctions to be imposed on board members upon a finding that the action or inaction of a board member constitutes neglect or willful misconduct. The act requires the State Board of Education and local boards of education to adopt a model code of conduct for board members. The act also amends Sections 16-8-1 and 16-11-2, Code of Alabama 1975, to modify the qualifications of members of city and county boards of education.  
EFFECTIVE DATE: April 20, 2012.

Act 2012-224, SB136, excludes certain prefabricated storm shelters from the provisions of Title 24, Code of Alabama 1975, relating to housing. The act requires resident and nonresident prefabricated storm shelter manufacturers to post a bond with the Alabama Emergency Management Agency. The act provides the agency with oversight authority over all storm shelters, both community and residential, and requires the agency to perform random inspections of certain storm shelters.  
EFFECTIVE DATE: April 24, 2012, retroactive to January 1, 2012.

Act 2012-225, SB139, limits the civil liability of a person or entity contracting with the State of Alabama, a county, or a local government to construct, repair, or maintain a highway, road, or street. The act requires a contractor to notify the Chief Engineer of the Alabama Department of Transportation if the contractor discovers or determines that following the plans and specifications could result in a potentially dangerous condition. The act applies to a cause of action that accrues after April 24, 2012.  
EFFECTIVE DATE: April 24, 2012.

Act 2012-227, SB298, amends Sections 32-13-1 and 32-13-2, Code of Alabama 1975, relating to abandoned motor vehicles, to further define an abandoned motor vehicle and to specify when a law enforcement officer may have a motor vehicle towed if the driver has been arrested, the driver is injured, the vehicle is subject to an impoundment order for outstanding traffic or parking violations, or the vehicle otherwise needs to be removed from a public street or highway.  
EFFECTIVE DATE: April 24, 2012.

Act 2012-230, SB148, provides that a person commits the crime of aggravated criminal surveillance if he or she intentionally engages in surveillance of an individual in any place where the individual being observed has a reasonable expectation of privacy, without the prior express or implied consent of the individual being observed, for the purpose of sexual gratification. The act provides that a person who commits the crime of aggravated criminal surveillance is guilty of a Class A misdemeanor, except if a person has a prior conviction or adjudication, including convictions in municipal court, of aggravated criminal surveillance, the offense is a Class C felony.  
EFFECTIVE DATE: July 1, 2012.

Act 2012-231, SB174, amends Sections 25-8-32.1, 25-8-33, 25-8-38, 25-8-44, 25-8-52, 25-8-59, and 25-8-60, Code of Alabama 1975, relating to the Child Labor Division of the Alabama Department of Labor, to specify which documents satisfy the proof of age requirement, to require the public display of the Child Labor Certificate, and to require employers to maintain certain records relating to hours worked by children. The act further defines “adult establishment” and limits employment of children in those establishments. The act authorizes the assessment of civil penalties for violations and clarifies the role of the department in regulating the employment of children in theatrical productions.  
EFFECTIVE DATE: July 1, 2012.

Act 2012-232, SB272, amends Section 36-26-14, Code of Alabama 1975, to authorize the State of Alabama Personnel Board to adopt a plan providing for tax deferred annuity and deferred compensation programs for state and city employees or public organizations of the state or any political subdivision thereof. The act also allows participants to have monthly insurance premiums deducted from their deferred compensation distribution.  
EFFECTIVE DATE: April 24, 2012.

Act 2012-234, HB40, amends Section 36-29-14, Code of Alabama 1975, to allow United Ways of Alabama and its member United Ways to elect to participate in the state insurance coverage under the State Employees’ Insurance Board.  
EFFECTIVE DATE: April 24, 2012.

Act 2012-237, HB363, amends Sections 13A-12-212, 13A-12-260, 20-2-72, and 20-2-190, Code of Alabama 1975, to further regulate the sale of over-the-counter products containing certain quantities of ephedrine or pseudoephedrine. The act prohibits the sale of a product that contains pseudoephedrine and ephedrine compounds from a place that is not a licensed pharmacy. The act provides additional criminal penalties for ephedrine- and pseudoephedrine-related violations. The act also revises the membership of the Alabama Drug Abuse Task Force and requires the Alabama Criminal Justice Information Center to implement an electronic drug offender tracking system to catalogue all criminal convictions of persons with certain felony and misdemeanor convictions related to methamphetamine.  
EFFECTIVE DATE: Section 3, relating to the electronic drug offender tracking system, is effective August 1, 2012. The remaining provisions of the act are effective April 24, 2012.

Act 2012-256, HB436, exempts certain covered items related to storm and emergency preparation from state sales and use tax during the first full weekend in July, 2012 and the last full weekend of February in subsequent years. The act authorizes any county or municipality to exempt certain covered items from local sales and use taxes, and prohibits a county or municipality from providing for a sales and use tax exemption during any period, other than the first full weekend in July, 2012 and last full weekend of February in subsequent years, that is not designated a sales tax holiday.  
EFFECTIVE DATE: April 26, 2012.

Act 2012-257, SB409, authorizes a county commission to adopt an ordinance requiring any person or firm that owns timber in any unincorporated area of the county, or has entered into a contract with a landowner for the purpose of severing timber, to utilize county roads for delivery of pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant, with certain exceptions. The act provides fines for violations of the ordinance and provides that a timber owner may not be required to provide or obtain any other notice, permit, license, or security.  
EFFECTIVE DATE: July 1, 2012.

Act 2012-259, HB73, amends Section 40-18-140, Code of Alabama 1975, relating to income tax refund check-offs, to provide an income tax refund check-off for a contribution to Victims of Crime and Leniency, Inc. (VOCAL).  
EFFECTIVE DATE: For tax years beginning after December 31, 2012.

Act 2012-260, HB163, amends Sections 34-24-191 and 34-24-217, Code of Alabama 1975, to provide for physical therapy to be practiced upon the referral of a licensed assistant to a physician acting pursuant to a valid supervisory agreement, licensed certified registered nurse practitioner in a valid collaborative practice agreement with a licensed physician, or a licensed chiropractor. The act also specifies the circumstances under which a physical therapist may evaluate and treat a patient without prescription or referral.  
EFFECTIVE DATE: July 1, 2012.

Act 2012-261, HB493, provides that a physician is not required to make a determination of the probable post-fertilization age of an unborn child prior to any procedure other than an abortion. The act specifies that the reporting requirements for fetal deaths and pregnancy terminations shall be construed to require a report of the probable post-fertilization age only for abortion procedures. The act also provides that the term "abortion," when used in the Code of Alabama 1975, is not to be construed to include any procedure to terminate an ectopic pregnancy, unless the statutory provision or rule expressly provides otherwise.  
EFFECTIVE DATE: April 30, 2012.

Act 2012-262, SB44, amends Sections 34-21-60, 34-21-61, 34-21-62, and 34-21-63, Code of Alabama 1975, relating to graduate degree scholarships for nurses, to increase the amount of the scholarships and to require applicants to meet additional qualifications. The act also requires any appropriation to fund the scholarships to be made through the Education Trust Fund.  
EFFECTIVE DATE: April 30, 2012.

Act 2012-263, SB143, makes a supplemental appropriation in the amount of \$2,313,850 from the Education Trust Fund to the State Department of Education for the fiscal year ending September 30, 2012, to pay the entire \$5,000 salary supplement to teachers for the fiscal years 2010-2011 and 2011-2012 who complete the process to become certified by the National Board of Professional Teaching Standards. The act also authorizes the payment of the same annual salary supplement provided for teachers to any public elementary or secondary school principal who receives national board certification.  
EFFECTIVE DATE: April 30, 2012.

Act 2012-264, SB160, allows the University of South Alabama Board of Trustees to participate in meetings by telephone conference or video conference if notice of the meetings is provided pursuant to the Open Meetings Act and members of the public are given the opportunity to simultaneously listen to or observe the meetings.

EFFECTIVE DATE: April 30, 2012.

Act 2012-265, SB50, provides for the posting of information relating to the National Human Trafficking Resource Center Hotline in certain establishments and provides penalties for failure to comply with the act.

EFFECTIVE DATE: January 1, 2013.

Act 2012-266, SB138, authorizes the appointment of former or retired judges who satisfy certain qualifications to serve as private judges in certain district and circuit court cases. The act specifies that a trial conducted by a private judge shall be conducted without a jury and provides for certain filing fees for requests to appoint a private judge. The act also provides for a private judge to receive compensation for his or her service as a private judge.

EFFECTIVE DATE: July 1, 2012.

Act 2012-267, SB208, amends Sections 20-2-23, 13A-12-214.1, and 13A-12-231, Code of Alabama 1975, relating to Schedule I controlled substances, to add cathinone compounds, certain named chemical compounds of synthetic cannabinoids, and controlled substance analogs to the Schedule I controlled substances list. The act provides penalties for trafficking in the compounds and controlled substance analogs added to Schedule I.

EFFECTIVE DATE: June 10, 2012.

Act 2012-269, HB276, proposes an amendment to the Constitution of Alabama of 1901, to repeal existing laws regarding the compensation and expense reimbursement of the members of the Legislature. The proposed amendment provides for the basic compensation of members of the Legislature, as well as the reimbursement of expenses for legislators upon the submission of signed vouchers in a similar manner as state employees. The proposed amendment also prohibits the Legislature from increasing the compensation or expenses payable to its members.

EFFECTIVE DATE: Contingent upon ratification.

Act 2012-275, HB357, proposes an amendment to the Constitution of Alabama of 1901, to continue the authority of the Legislature to pass general laws pertaining to corporations and other entities and to regulate and impose a business privilege tax on corporations and other entities. The act repeals the following sections of the Constitution of Alabama of 1901: Section 230, relating to the cancellation of certain corporate charters; Section 231, relating to limitation on remitting forfeiture of corporate charters; Section 232, as amended by Amendment 473, relating to foreign corporations doing business in the state; Section 233, relating to corporations being restricted to business authorized by the charter; Section 234, relating to restrictions on the issuance of corporate stocks and bonds; Section 236, relating to security for dues from private corporations and liability of stockholders; Section 237, relating to issuance of preferred stock by corporations; Section 243, specifying that the regulation of railroad companies is vested in the Legislature; Section 244, relating to prohibiting the giving of free passes or discount tickets to members of the Legislature or officers exercising judicial functions; Section 245, relating to railroads not giving rebates or bonuses and deceiving or misleading the public as to rates; and Section 246, relating to acceptance of article as a prerequisite to benefits to future legislation. EFFECTIVE DATE: Contingent upon ratification.

Act 2012-276, HB358, proposes an amendment to the Constitution of Alabama of 1901, to define the authority of the Legislature concerning banks and banking and to repeal the following sections of the Constitution of Alabama of 1901: Section 248, relating to banking laws being general and specie basis, and granting the authority to issue bills to circulate as money; Section 249, relating to bills or notes issued as money redeemable in gold or silver and specifying laws may not sanction suspension of specie payments; Section 251, as amended by Amendment 51, relating to termination of business; Section 252, relating to maximum rate of interest; Section 253, relating to state and political subdivisions not to be stockholders in banks or lend credit thereto; and Section 254, relating to examinations of banks by public officers and semiannual reports by banks. The proposed amendment also provides that Section 255.01, relating to nonresidents making mortgage loans, is repealed on the contingency that a new Article XII is adopted as a part of the Alabama Constitution which repeals existing Section 232 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, and on the contingency that a bill is enacted that repeals Sections 10A-2-15.01 and 10A-2-15.02, Code of Alabama 1975, relating to the consequences of a foreign corporation transacting business without registration, and which provides that Sections 10A-1-7.21 to Section 10A-1-7.24, inclusive, Code of Alabama 1975, shall instead apply to a foreign corporation transacting business without registering with the Secretary of State.

EFFECTIVE DATE: Contingent upon ratification.

Act 2012-277, HB339, provides that certain contract provisions regarding motor vehicle transportation contracts that indemnify, defend, or hold harmless a shipper from or against any liability for loss or damage resulting from the criminal acts, intentional wrongful acts, wantonness, or negligence of the shipper or which have the effect of indemnifying, defending, or holding harmless another party against certain losses and damages are unenforceable. The act applies only to motor carrier transportation contracts executed after May 3, 2012.

EFFECTIVE DATE: May 3, 2012.

Act 2012-278, SB347, is the Alabama Residential Mortgage Satisfaction Act. The act amends Sections 35-10-26 and 35-10-30, Code of Alabama 1975, to provide a method for a person liable for payment or performance of the obligations secured by a security interest, a mortgagor, or other entitled person to request a payoff statement upon proper notification. The act requires a secured creditor, upon proper notification, to comply with the request for a payoff statement within a designated time period and to record mortgage satisfactions within a designated time period. The act also provides for a title clearing remedy pursuant to the use of an affidavit of satisfaction and a satisfaction agent.

EFFECTIVE DATE: March 1, 2013.

Act 2012-279, SB459, requires the Department of Revenue to develop and make available a system which allows any taxpayer required to file and remit a state, county, or municipal sales or use tax or a state, county, or municipal leasing or rental tax the ability to file and remit the sales and use tax or leasing or rental tax returns and payments through an electronic single point of filing program at no charge. The act also creates a State and Local Advisory Committee to provide input to the Commissioner of Revenue.

EFFECTIVE DATE: For tax periods beginning after September 30, 2013.

Act 2012-282, HB714, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Bullock County, to phase out the supernumerary system for certain public officials, including the sheriff, and allow elected or appointed county officials and the sheriff, as defined, to participate in the Employees' Retirement System, with the effective date retroactive to March 1, 2003. The proposed amendment repeals Amendment No. 676 to the Constitution of Alabama of 1901, now appearing as Section 4, Local Amendments, Bullock County, Official Recompilation of the Constitution of Alabama of 1901, as amended.

EFFECTIVE DATE: Contingent upon ratification.

Act 2012-283, HB735, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Covington County, to further provide for the law library fee in the county and to ratify, approve, validate, and confirm court costs levied pursuant to local law enacted prior to the adoption of this amendment.

EFFECTIVE DATE: Contingent upon ratification.



Act 2012-291, HB2, prohibits any person from operating a motor vehicle on a public street, road, or highway while also text messaging on a handheld cell phone or other handheld wireless telecommunication device, with certain exceptions, and provides penalties for violations. The act also requires each state, county, and municipal law enforcement agency to maintain statistical information on traffic stops made pursuant to the act on minority groups and report the information monthly to the Department of Public Safety.

EFFECTIVE DATE: August 1, 2012.

Act 2012-292, HB72, amends Sections 25-4-31 and 25-4-145, Code of Alabama 1975, to further provide for penalties for fraudulent misrepresentation claims for unemployment compensation and to assess interest on unpaid fraudulent overpayment balances. The act also establishes a separate fraud interest penalty account within the Unemployment Compensation Trust.

EFFECTIVE DATE: August 1, 2012.

Act 2012-293, HB89, amends Sections 11-98-1, 11-98-2, 11-98-4, 11-98-5, 11-98-6, 11-98-7, and 11-98-9, Code of Alabama 1975, relating to E-911 services, to create a single, statewide emergency service charge applicable to all voice services provided within the state. The act creates a statewide 911 Board, which replaces the existing Commercial Mobile Radio Service (CMRS) Board, that is responsible for establishing and collecting an emergency telephone service charge. The act provides for the distribution of funds collected from the service charge to communications districts and CMRS providers and establishes a Permanent Oversight Commission. The act requires the Department of Examiners of Public Accounts to provide audit and other services to the board. The act also repeals Sections 11-98-5.1, 11-98-7.1, and 11-98-8, Code of Alabama 1975.

EFFECTIVE DATE: Sections 11-98-4.1, 11-98-5.2, 11-98-13.1, 11-98-14, and 11-98-15, Code of Alabama 1975, as amended, are effective May 8, 2012. Section 11-98-5.3, Code of Alabama 1975, as amended, is effective September 1, 2012. The remaining provisions of the act are effective October 1, 2013.

Act 2012-294, HB370, amends Sections 22-21-265, 22-21-270, 22-21-271, and 22-21-275, Code of Alabama 1975, relating to the State Health Planning and Development Agency and the Certificate of Need Review Board, to further provide for fees, a temporary surcharge on certificate of need applications, and costs associated with the processing of cases. The act also provides for direct appeals to the Court of Civil Appeals of any final decision of the State Health Planning and Development Agency.

EFFECTIVE DATE: For any certificate of need application filed after May 8, 2012.

Act 2012-295, SB28, amends Section 16-28-3, Code of Alabama 1975, to decrease the minimum age of children at which required to attend public school from seven to six years of age.

EFFECTIVE DATE: August 1, 2012.

Act 2012-296, SB179, amends Section 8-6-140, Code of Alabama 1975, to broaden the types of accounts that may contain transfer-on-death obligations to include securities, brokerage, investment management, and custody accounts maintained by any securities broker or dealer, bank or other depository institution, trust company, investment advisor, or other financial institution.

EFFECTIVE DATE: August 1, 2012.

Act 2012-297, SB236, amends Sections 11-52-1, 11-52-30, 11-52-31, 11-52-32, and 11-52-33, Code of Alabama 1975, to make the county commission responsible for the development of subdivisions in the extraterritorial jurisdiction of a municipal planning commission if the county has adopted subdivision regulations, unless: (1) an agreement is executed between the county, the municipal planning commission, and the municipality to provide for the municipal planning commission to be responsible for subdivision development; or (2) the municipality and the municipal planning commission, under certain conditions, specifically vote to override the county's exercise of jurisdiction. The act specifies that when the municipal planning commission is responsible for the development of a subdivision, the county engineer must certify the plats and maps for filing once approved by the municipal planning commission. The act also repeals Sections 11-24-5 and 11-52-26, Code of Alabama 1975.

EFFECTIVE DATE: October 1, 2012.

Act 2012-298, SB283, is the Riley Ward Act. The act requires health benefit plans to offer certain coverage for treatment of Autism Spectrum Disorder for certain children in certain policies and contracts and amends Sections 10A-20-6.16 and 27-21A-23, Code of Alabama 1975, relating to health care service plans and health maintenance organizations.

EFFECTIVE DATE: October 1, 2012.

Act 2012-299, SB300, amends Section 25-4-73, Code of Alabama 1975, relating to individual weekly unemployment benefit payments, to further define compensable week.

EFFECTIVE DATE: August 1, 2012.

Act 2012-300, SB342, establishes the duty of care that an owner of real property owes to certain trespassers on his or her property and provides for liability of the landowner in certain circumstances.

EFFECTIVE DATE: May 8, 2012.

Act 2012-302, HB255, amends Sections 16-25-1 and 36-27-1, Code of Alabama 1975, relating to retirement benefits, to provide that earnable compensation includes overtime payments not to exceed 120 percent of any teacher or state employee's annual base compensation as certified by the employer.

EFFECTIVE DATE: May 9, 2012.

Act 2012-303, HB238, amends Section 13A-11-17, Code of Alabama 1975, relating to the offense of disrupting a funeral or memorial service, to increase the distance within which a protest is prohibited from 500 feet to 1,000 feet of the entrance to the facility being used for the service.

EFFECTIVE DATE: August 1, 2012.

Act 2012-304, HB359, amends Section 10A-1-7.21, Code of Alabama 1975, to exclude a corporation or other organization formed under federal law from the prohibition against a foreign entity transacting business in this state maintaining any action, suit, or proceeding in any court in this state. The act also repeals Sections 10A-2-15.01 and 10A-2-15.02, Code of Alabama 1975, relating to the registration of foreign corporations.

EFFECTIVE DATE: January 1, 2014, contingent upon ratification of the constitutional amendment proposed by Act 2012-275.

Act 2012-305, SB86, provides an income tax refund check-off for a contribution to the Alabama Veterinary Medical Foundation for the Spay-Neuter Program.

EFFECTIVE DATE: August 1, 2012.

Act 2012-306, SB383, is The Pharmacy Audit Integrity Act. The act establishes minimum and uniform standards and criteria for the audit of pharmacy records by or on behalf of certain entities. The act prescribes the procedures for conducting an audit and provides that an entity conducting an audit may not use the accounting practice of extrapolation in calculating recoupments or penalties for audits. The act does not apply to any audit, review, or investigation that involves alleged fraud, willful misrepresentation, or waste abuse.

EFFECTIVE DATE: August 1, 2012.

Act 2012-308, HB404, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Lawrence County, to prohibit any municipality located outside of Lawrence County from imposing any municipal ordinance, or inspection service within its police jurisdiction located in the county. The proposed amendment further provides that a municipality prohibited from imposing any tax or regulation under the amendment shall not provide any regulatory function or police or fire protection services within its police jurisdiction located in the county, other than public safety mutual aid.

EFFECTIVE DATE: Contingent upon ratification.

Act 2012-309, HB307, exempts the sale of insulin, insulin syringes, and related items to treat diabetes purchased pursuant to a valid prescription from any state, county, and municipal sales taxes, retroactive to certain tax periods.

EFFECTIVE DATE: August 1, 2012.

Act 2012-312, HB113, amends Sections 27-7-1, 27-7-5, 27-7-14.1, 27-7-17, 27-7-37, and 27-8A-6, Code of Alabama 1975, to eliminate the insurance producer lines of authority for automobile and industrial fire and provide a transition for existing producer licenses. The act adds travel and crop insurance as limited lines insurance and provides exceptions to the prelicensing course of study to qualify for an insurance producer license for applicants with a college insurance degree and for applicants for the variable life and variable annuity line of authority. The act authorizes the Commissioner of Insurance to prescribe by regulation alternative methods to serve administrative complaints. The act eliminates certain exemptions from the continuing education requirements of insurance producers while providing a grandfather provision for those currently exempt and eliminates the requirement that insurance producers certify compliance with the continuing education requirement. The act authorizes the commissioner to require applicants to submit fingerprints and to conduct a criminal history record check of all new applicants. The act requires vendors to hold a certain license to offer a policy of portable electronics insurance and provides fees for a limited lines insurance producer license for portable electronics insurance. The act also repeals Sections 27-7-20 and 27-7-21, Code of Alabama 1975, relating to suspension or revocation of insurance licenses.  
EFFECTIVE DATE: January 1, 2013.

Act 2012-314, HB308, amends Section 22-11E-2, Code of Alabama 1975, relating to concussions and head injuries, to require each local board of education to develop guidelines and other pertinent information regarding medical evaluation of concussions or head injuries to youth athletes. The act also requires a youth athlete who has been removed from a practice or an athletic game because of a concussion to be withheld from practice for or participation in athletic games from the day of the injury until medical clearance is obtained.  
EFFECTIVE DATE: May 10, 2012.

Act 2012-315, HB325, authorizes the purchaser to remove a bottle of wine that has been purchased and opened on the premises of an Alcoholic Beverage Control Board licensee if the bottle has been recorked or resealed and exempts the bottle from the open container law.  
EFFECTIVE DATE: May 10, 2012.

Act 2012-316, HB340, creates the crime of looting, which is the intentional entry without authorization into any building or real property during a state of emergency and obtaining, exerting control over, damaging, or removing the property of another person without lawful authority.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-317, HB341, amends Section 35-19-2, Code of Alabama 1975, to exempt underground and aboveground storage tanks storing motor fuel from the requirements of the Alabama Uniform Environmental Covenants Act.

EFFECTIVE DATE: May 10, 2012.

Act 2012-318, HB364, amends Sections 40-13-51, 40-13-53, 40-13-54, 40-13-55, 40-13-56, 40-13-57, and 40-13-58, Code of Alabama 1975, relating to the severance tax on certain materials, to further provide for the levy, collection, and administration of the tax, including the point when the tax is levied. The act defines “pollution control or abatement” to include certain severed materials, adds certain exemptions to the definition of “severed materials,” and requires the Department of Revenue to provide the county commission with certain tax records and information upon request.

EFFECTIVE DATE: October 1, 2012.

Act 2012-319, HB403, amends Sections 27-44-2, 27-44-3, 27-44-5, 27-44-8, 27-44-9, 27-44-11, and 27-44-18, Code of Alabama 1975, relating to insurance, to provide the scope and purpose of the Alabama Life and Disability Insurance Guaranty Association. The act provides that payees under a structured settlement annuity are covered based on the residency of the payee and not the residency of the owner of the contract. The act avoids duplication of coverage by coordinating with applicable guaranty associations in other states and specifies the limits of coverage for life insurance policies to be \$300,000 in death benefits and \$100,000 in cash surrender values. The act specifies the limits of coverage for disability and long-term care insurance and basic hospital, medical, and surgical insurance or major medical insurance, as well as for any coverage other than disability income, long-term care, basic hospital, medical, and surgical insurance or major medical insurance. The act specifies the limits of coverage of annuity contracts to be \$250,000 of the present value of annuity benefits and provides a maximum Class A assessment of \$300 per year per member insurer. The act permits a member insurer to appeal a decision of the association to the Commissioner of Insurance within 60 days and provides a stay on all proceedings in which an insolvent insurer is a party for 180 days.

EFFECTIVE DATE: January 1, 2013.

Act 2012-327, HB578, amends Sections 35-8B-1, 35-8B-2, and 35-8B-3, Code of Alabama 1975, relating to community development districts, to create an additional class of community development district located in a wet county that does not authorize Sunday sales and is outside the corporate limits and police jurisdiction of any municipality and which has a 120-seating capacity restaurant, a grocery-delicatessen, riding stable or riding trails, a community information center, outdoor programming activities, and rural lifestyle demonstrations.

EFFECTIVE DATE: May 10, 2012.

Act 2012-333, SB244, amends Section 36-29A-1, Code of Alabama 1975, relating to the State Employees Injury Compensation Program, to provide that members of the Alabama National Guard and the Alabama State Defense Force who suffer personal injury as a direct result of active military service may be covered by the State Employees Injury Compensation Program. The act authorizes the Military Department to pay medical expenses for members of the National Guard or Alabama State Defense Force who become ill during active military service or have minor injuries as a direct result of active military service for the state not covered by the program. The act also repeals Section 31-2-85, Code of Alabama 1975, relating to compensation for injury, disability, or death of a member.

EFFECTIVE DATE: August 1, 2012.

Act 2012-334, SB313, is the Alabama Code of Military Justice. The act revises the disciplinary authority and procedures for the Alabama National Guard in substantially similar form to the federal Uniform Code of Military Justice. The act also repeals Sections 31-2-92 to 31-2-98, inclusive, 31-2-101, 31-2-103, and 31-2-127, Code of Alabama 1975.

EFFECTIVE DATE: Upon the adoption of implementing guidelines signed by the Governor and promulgated by the Adjutant General in accordance with current law.

Act 2012-335, SB382, subjects the Alabama Construction Recruitment Institute to the Alabama Sunset Law with a termination date of October 1, 2014. The act also repeals Section 7 of Act 2010-220, 2010 Regular Session (Acts 2010, p. 365), to provide for the continued collection of construction craft industry fees.

EFFECTIVE DATE: May 10, 2012.

Act 2012-340, HB701, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Calhoun County, to authorize the Calhoun County Commission to manage the processing of absentee ballots upon the expiration of the current term of office of the Clerk of the Circuit Court of Calhoun County.

EFFECTIVE DATE: Contingent upon ratification.

Act 2012-362, HB272, amends Section 30-3-194, Code of Alabama 1975, to repeal the requirement to provide a Social Security number upon the renewal of a license, certificate, or permit issued by a state agency. The act also authorizes the Department of Public Safety to require all applicants for issuance or renewal of a driver's license, learner's permit, or other authorization to drive a motor vehicle to provide a Social Security number to the department.

EFFECTIVE DATE: August 1, 2012.

Act 2012-363, HB362, is the annual codification bill. The act adopts and incorporates into the Code of Alabama 1975, those general and permanent laws of the state enacted during the 2010 First Special Session and the 2011 Regular Session as contained in the 2011 Cumulative Supplement to certain volumes of the code and 2011 Replacement Volumes 12A, 17, 21, and 21A. The act initially adopts and incorporates into the Code of Alabama 1975, 2011 Volume 22F (Local Laws Dale – Escambia Counties) and adopts and incorporates into the Code of Alabama 1975, 2010 Cumulative Supplements to local law volumes. The act makes certain corrections in certain volumes of the cumulative supplement. The act also specifies that this adoption and incorporation constitutes a continuous systematic codification of the entire Code of Alabama 1975, and that the act is a law that adopts a code, declares that the code publisher has discharged its duties regarding the replacement volumes, expressly provides that the act does not affect other statutes enacted in 2012, and specifies the duties of the Secretary of State regarding the custody of the cumulative supplements, replacement volumes, and initial volume.  
EFFECTIVE DATE: May 14, 2012.

Act 2012-366, HB682, authorizes a Class 6 municipality adopting the form of government provided in Chapter 44D, Title 11, Code of Alabama 1975, to provide for the abatement of weeds that become a nuisance under certain conditions. The act requires the municipality to provide notice to property owners and provides for the assessment of costs for the abatement when work is performed by the municipality. The act also allows a lien on the property under certain conditions.  
EFFECTIVE DATE: May 14, 2012.

Act 2012-368, SB16, amends Section 13A-8-192, Code of Alabama 1975, to make the crime of identity theft a Class B felony. The act also expands the definition of “identity theft” to include obtaining employment through the use of identifying information of a victim.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-369, SB91, establishes the crime of disarming a law enforcement officer or corrections officer, a Class C felony.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-370, SB164, amends Sections 27-27-26, 27-27-29, 27-41-5, and 27-41-27, Code of Alabama 1975, relating to insurance, to provide certain exceptions to certain officers or directors, members of a committee, or employees of a domestic insurer who are charged with the duty of handling the funds of an insurer. The act requires domestic insurers to maintain assets in financial institutions conducting business in the state and allows them to deposit assets outside this state for purposes of safekeeping or for the convenient operation of the insurer. The act allows securities of an insurer to be segregated or commingled with securities owned by other insurers if the arrangement is approved by the Commissioner of Insurance. The act also allows domestic insurers to invest in securities or other investments located in countries other than the United States or Canada and limits investments or loans relating to an insurer's admitted assets. EFFECTIVE DATE: May 14, 2012.

Act 2012-371, SB173, amends Section 41-9-870, Code of Alabama 1975, relating to the Alabama Peace Officers Hall of Fame Board, to further provide for membership requirements, terms of office, diversity of membership, and selection of a chair each two years. EFFECTIVE DATE: May 14, 2012.

Act 2012-372, SB191, is the Lieutenant Dexter Holcomb Act. The act prohibits a local board of education from hiring a person to operate a school bus transporting students unless the person meets certain physical and health requirements, including successful completion of a physical examination by a licensed physician. EFFECTIVE DATE: May 14, 2012.

Act 2012-373, SB210, is the Property Insurance Clarity Act. The act requires insurance companies providing homeowners insurance in the state to provide policy and premium information to the Department of Insurance. The act requires the department to publish this information on the department's website, arranged by Zip Code, including the number of homeowners insurance policies in force, earned premiums, and the direct incurred losses representing the total of every insurance company doing business in the state. The act also requires the department to post on its website a comprehensive description of the actuarial model used for homeowners properties risk and other related data. EFFECTIVE DATE: August 1, 2012.



Act 2012-374, SB230, provides certain insurance premium tax credits against insurance premium taxes otherwise due by private homeowner insurance carriers who write homeowners insurance policies which include wind coverage in the counties of Alabama which are contiguous to the Gulf of Mexico and Mobile Bay, but only where at the time of the writing the property was insured under the Alabama Insurance Underwriting Association, in an amount of 20 percent of the insurance premium tax otherwise due in Zone 4 and 17 percent of the tax otherwise due in Zones 1, 2, and 3.

EFFECTIVE DATE: August 1, 2012.

Act 2012-375, SB297, amends Section 11-41-8, Code of Alabama 1975, to extend the date of validation of any attempted incorporation of a municipality to May 14, 2012.

EFFECTIVE DATE: May 14, 2012.

Act 2012-376, SB376, amends Sections 16-1-18.1, 36-26-35.2, 36-26-36, and 36-26-36.2, Code of Alabama 1975, to clarify that leave accumulated by a state employee may be donated, upon approval, to qualified employees in any pay grade and to impose a maximum of 480 hours of donated leave throughout the career of the donee employee with the state. The act also caps the amount of accrued sick leave for which employees of the Legislature at the number of hours accumulated as of January 1, 2013, or 1,200 hours, whichever is more.

EFFECTIVE DATE: October 1, 2012.

Act 2012-377, SB388, amends Sections 16-25-1, 16-25-3, 16-25-11.1, 16-25-14, 16-25-21, 36-26-36.1, 36-27-1, 36-27-4, 36-27-16, 36-27-24, and 36-27-59, Code of Alabama 1975, relating to retirement benefits for employees who are members of the Teachers' Retirement System or the Employees' Retirement System, to establish a new defined benefit retirement plan for employees who first become a member of either system on or after January 1, 2013. The act requires those employees to pay a percentage of their salary into the new plan and establishes minimum age and service requirements in order for those employees to retire under the new plan. The act also requires the Retirement Systems of Alabama to administer the new plan.

EFFECTIVE DATE: August 1, 2012.

Act 2012-378, SB426, amends Section 40-2A-11, Code of Alabama 1975, to eliminate the minimum penalty provision in the failure-to-file tax law when there is no tax due on an individual income tax return.

EFFECTIVE DATE: For tax returns filed for the 2011 tax year and subsequent tax years.

Act 2012-379, HB71, amends Section 39-2-12, Code of Alabama 1975, relating to the timely execution of public works contracts, to prohibit an awarding authority from contractually increasing the time for payment for completing work beyond a certain number of days. The act provides for interest in the amount of the underpayment rate established by the Secretary of the Treasury under authority afforded by federal law to be added to any dollar amount approved and unpaid for each month. The act requires contracts to contain a provision outlining the source of sufficient funds to be utilized to fulfill the awarding authority's obligations under the contract, including whether the funds are held at the time the contract was executed or whether the funds will become available at a date following. The act also authorizes a contractor not paid for work under the contract to recover reasonable attorney's fees, costs, and reasonable expenses.  
EFFECTIVE DATE: August 1, 2013.

Act 2012-380, HB75, is Tracy's Law. The act amends Sections 13A-6-90 and 13A-6-91, Code of Alabama 1975, to designate the crimes of stalking and aggravated stalking in the first degree. The act also creates the crimes of stalking and aggravated stalking in the second degree.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-381, HB94, amends Section 19-3B-508, Code of Alabama 1975, relating to qualified trusts under the Internal Revenue Code which may not be assigned or alienated, to include a Roth Individual Retirement Account as a qualified trust.  
EFFECTIVE DATE: May 14, 2012.

Act 2012-382, HB99, provides that a person impersonating a public servant or a law enforcement officer in connection with a sham legal process by acting or purporting to act in an official capacity commits a class B misdemeanor. The act provides that a person falsely asserting authority of state law in connection with a sham legal process commits a Class A misdemeanor. The act provides that a person knowingly acting, without authority under state law, as judge, magistrate, hearing officer, juror, clerk of court, commissioned notary public, or the like, or signing a document as if authorized by state law commits a Class A misdemeanor. The act also provides that a person who falsely asserts authority of law in an attempt to intimidate or hinder a state or local official or employee or a law enforcement officer in the discharge of official duties by certain means commits a Class C felony.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-383, HB100, amends Sections 12-15-115, 12-15-117, and 38-10-7, Code of Alabama 1975, to provide that a juvenile court has jurisdiction over proceedings for the adoption of a child when the proceedings have been transferred from probate court. The act specifies that a juvenile court generally has jurisdiction to establish, modify, or enforce support, visitation, or custody when a juvenile court has previously established parentage and that a juvenile court has jurisdiction to modify or enforce child and spousal support cases brought pursuant to Title IV-D of the Social Security Act. The act also provides that a juvenile court generally retains jurisdiction to enforce or modify prior orders and provides that the act retroactively applies to ratify and confirm the exercise of continuing jurisdiction of a juvenile court on or after January 1, 2009, and prior to May 14, 2012.  
EFFECTIVE DATE: May 14, 2012.

Act 2012-384, HB110, is the Alabama Affordable Housing Act. The act establishes the Alabama Housing Trust Fund, to be administered by the Alabama Department of Economic and Community Affairs, and the Alabama Housing Trust Fund Advisory Committee to increase the availability of housing opportunities for individuals and families with incomes at or below 60 percent of the median family income.  
EFFECTIVE DATE: May 14, 2012.

Act 2012-385, HB140, amends Section 40-18-194, Code of Alabama 1975, to allow for an extension of the time period in which certain tax capital credits for qualifying projects of new businesses and business expansions may be claimed. More specifically, the act allows certain credits with capital costs of at least \$100 million and providing no less than 100 jobs for new employees to be carried forward for a maximum of four years.  
EFFECTIVE DATE: For all qualifying projects for which a project agreement has been entered into prior to December 31, 2011, but which have not been placed in service as of December 31, 2011, and for all qualifying projects for which a project agreement is entered into on or after December 31, 2011.

Act 2012-386, HB145, amends Sections 40-13-2, 40-13-6, and 40-13-8, Code of Alabama 1975, to provide for the collection of the excise and privilege tax on coal and to further provide for the distribution of these tax proceeds. The act also terminates the tax on October 1, 2021, unless extended by the Legislature.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-387, HB164, amends Sections 34-24-191, 34-24-193, 34-24-194, 34-24-195, 34-24-210, 34-24-211, 34-24-212, 34-24-213, and 34-24-217, Code of Alabama 1975, relating to the Alabama Physical Therapy Practice Act. The act defines an “impaired” licensee and provides for the creation and operation of an impaired practitioner program. The act changes references to physical therapists from “registered” to “licensed” and clarifies and removes inconsistencies in the definitions of physical therapist assistant, physical therapy technician, and physical therapy aide. The act changes references to foreign physical therapists from foreign “trained” to foreign “educated.” The act transfers certain duties from the Secretary of the Board of Physical Therapy to the executive director of the board. The act also authorizes the board to place restrictions on licenses as part of the disciplinary process and to collect a fee from continuing education providers.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-388, HB167, amends Section 33-4-40, Code of Alabama 1975, to provide certain limitations on liability of bar pilots providing pilot services to vessels unless the act causing the damage or loss is willful, intentional, or reckless. The act also only applies if the bar pilot remains a self-employed independent contractor and the number of self-employed independent contractors actively engaged in the piloting of vessels as licensed by the State Pilotage Commission does not exceed 20.  
EFFECTIVE DATE: May 14, 2012.

Act 2012-389, HB193, amends Section 27-13-121, Code of Alabama 1975, relating to motor vehicle insurance, to reduce the number of hours of instruction required to complete a motor vehicle accident prevention course and to allow online instruction.

EFFECTIVE DATE: August 1, 2012.

Act 2012-390, HB225, amends Section 12-16-191, Code of Alabama 1975, to require the grand jury to determine the condition of the county jail at least once annually and to present certain findings to the district attorney, sheriff, and county commission for appropriate action.

EFFECTIVE DATE: May 14, 2012.

Act 2012-391, HB328, provides for an income tax credit allowed to any agricultural trade or business of 20 percent of the cost of the purchase and installation of, and certain conversion costs related to, irrigation systems or the development of irrigation reservoirs and water wells. The act specifies that the credit is limited to one purchase and installation of qualified irrigation equipment or one qualified reservoir per taxpayer.

EFFECTIVE DATE: For tax years beginning after December 31, 2012.

Act 2012-392, HB355, authorizes the Director of Transportation, with the approval of the Governor, to appoint three deputy directors, one of whom may be the chief engineer, of the Department of Transportation, one of whom may be the chief engineer, and assign duties as may be necessary for the proper administration and execution of the work of the department.

EFFECTIVE DATE: May 14, 2012.

Act 2012-393, HB376, amends Section 13A-12-211, Code of Alabama 1975, to create the crime of possession of a controlled substance with intent to distribute, a Class B felony.

EFFECTIVE DATE: August 1, 2012.

Act 2012-394, HB381, amends Section 36-29-19.7, Code of Alabama 1975, as amended by Act 2011-698, 2011 Regular Session, relating to the State Employees' Health Insurance Board retiree contribution based on years of service, to provide that the calculation of the employer contribution for correction officers retiring after December 31, 2012, under certain conditions, will include credit for any hazardous duty time awarded under the Employees' Retirement System or the Teachers' Retirement System.

EFFECTIVE DATE: August 1, 2012.

Act 2012-395, HB401, amends Sections 40-23-4 and 40-23-62, Code of Alabama 1975, to exempt from sales and use tax the gross receipts from the sale, storage, or use of certain metals, other than gold or silver, purchased or transferred for investment purposes.

EFFECTIVE DATE: August 1, 2012.

Act 2012-396, HB402, amends Sections 23-1-22, 23-1-23, and 23-1-24, Code of Alabama 1975, to exempt the position of chief engineer of the Department of Transportation from the State Merit System and to further provide for the qualifications and duties of the chief engineer.

EFFECTIVE DATE: May 14, 2012.

Act 2012-397, HB460, amends Sections 27-25-3 and 27-25-4, Code of Alabama 1975, relating to insurance, to provide for the qualifications and procedures for the licensing of title insurance agents by providing definitions and exceptions to the licensing requirements. The act authorizes the Commissioner of Insurance to require fingerprints of initial applicants for a title insurance agent license and requires the commissioner to conduct a criminal history record check on each applicant. The act requires title insurance agents to pass a written examination, with certain exceptions, and to complete minimum continuing education requirements on a biennial basis. The act further provides for denial, non-renewal, and revocation of licenses, as well as for fees for the issuance and renewal of licenses.

EFFECTIVE DATE: January 1, 2013.

Act 2012-398, HB491, requires any county for which the Department of Forensic Sciences performs the duties of the county coroner or county medical examiner to pay the cost of the services provided by the department. The act provides that if a county fails to remit the required payment, the department is relieved from performing the duties of the coroner or medical examiner.

EFFECTIVE DATE: October 1, 2012.

Act 2012-399, HB542, repeals Section 8-16-52, Code of Alabama 1975, which requires bonds for public weightmasters appointed by the Commissioner of Agriculture and Industries.

EFFECTIVE DATE: May 14, 2012.

Act 2012-400, HB543, amends Section 8-17-91, Code of Alabama 1975, to increase the percentage of proceeds from certain petroleum inspection fees collected by the Commissioner of Agriculture and Industries deposited into the Agricultural Fund.

EFFECTIVE DATE: August 1, 2012.

Act 2012-401, HB544, authorizes the Board of Agriculture and Industries to adopt a seed inspection fee and provides for the distribution of the fee into the Agricultural Fund. The act also requires sellers or distributors of seeds to file a quarterly report of the total pounds of sales of seed subject to the fee and provides penalties for failure to file the report.

EFFECTIVE DATE: August 1, 2012.

Act 2012-402, HB588, requires the State Superintendent of Education to develop a school grading system reflective of school and district performance. The act also creates the Legislative School Performance Recognition Program to reward public schools that demonstrate high performance or exemplary progress.

EFFECTIVE DATE: May 15, 2012.

Act 2012-403, HB601, amends Section 2-27-9, Code of Alabama 1975, to increase the fee for registration of pesticides and to specify the use of the proceeds for the Pesticide Management Division of the Department of Agriculture and Industries for certain enforcement purposes.

EFFECTIVE DATE: May 15, 2012.

Act 2012-404, HB626, amends Section 16-56-5, Code of Alabama 1975, to allow standing committees of the Board of Trustees of Troy University that only make recommendations to the board to meet by telephone conference, video conference, or other electronic means if all persons participating in the meeting, as well as members of the public, may hear one another simultaneously. The act also requires these meetings to comply with the Alabama Open Meetings Act.

EFFECTIVE DATE: May 15, 2012.

Act 2012-405, SB10, is the Federal Abortion Mandate Opt Out Act. The act specifies that the State of Alabama affirmatively opts out of allowing abortion coverage by exchange participating health plans.

EFFECTIVE DATE: August 1, 2012.

Act 2012-406, SB13, amends Section 31-5-14, Code of Alabama 1975, to authorize, rather than require, the payment from the State General Fund of the salaries and expenses of employees of the Department of Veterans' Affairs.

EFFECTIVE DATE: August 1, 2012.

Act 2012-407, SB30, requires the Division of Control and Accounts of the State Department of Finance to post and maintain a statewide database, at no charge for access by the public, on the state's website of each request for a proposal for a public contract by the state, any agency, board, commission, or department of the state which received federal funds, the State Board of Education, a public college or trade school, or a public university. The act also provides that, beginning on October 1, 2013, the division may charge any agency, board, commission, or department of the state that receives state or federally appropriated funds for the database services or any other services provided by the division.

EFFECTIVE DATE: January 1, 2013.

Act 2012-408, SB45, authorizes persons absent from the state on military duty, eleemosynary journey, mission assignment, or other similar purposes to designate a place of residence in this state. The act also specifies that the designation would not be effective for the purpose of voter registration or qualification for elected office and does not establish permanent residency for the purpose of eligibility for the Alabama G.I. and Dependents' Educational Benefit Act or for eligibility for in-state tuition rates at a state-supported institution of higher education.

EFFECTIVE DATE: August 1, 2012.

Act 2012-409, SB80, amends Section 32-5A-58.2, Code of Alabama 1975, the Alabama Move Over Act, to include utility service vehicles in the type of vehicles on the roadside which the driver of another motor vehicle is required to move over or slow down when approaching.

EFFECTIVE DATE: August 1, 2012.

Act 2012-410, SB89, is the Alabama Lifespan Respite Resource Network Act. The act creates the Alabama Lifespan Respite Resource Network, also known as Alabama Respite, to support family caregivers of children and adults with health care needs. The act creates the Alabama Lifespan Respite Coalition to coordinate statewide respite care efforts and to prepare the state to compete for federal funding.

EFFECTIVE DATE: August 1, 2012.

Act 2012-411, SB205, amends Section 24-1-28, Code of Alabama 1975, to restrict public housing authorities in certain Class 3 municipalities from exercising the power of eminent domain except with the approval of the governing body of the municipality. The act also authorizes housing authorities in certain Class 3 municipalities to purchase property only for public housing purposes and after notice to certain property owners.

EFFECTIVE DATE: August 1, 2012.

Act 2012-412, SB213, provides that any person who is an active or inactive member of the Employees' Retirement System, the Teachers' Retirement System, or the Judicial Retirement Fund who has an accrued retirement benefit will forfeit the right to retirement benefits upon a guilty plea, a plea of no contest, or a final conviction of a felony offense related to the person's public position. The act specifies that such a person is entitled to a refund of his or her retirement contributions plus applicable interest. The act also provides that a retired member receiving benefits will have his or her benefits suspended and receive a refund of his or her remaining contributions and interest upon a plea or final conviction of such a felony offense.

EFFECTIVE DATE: May 15, 2012.

Act 2012-413, SB227, establishes a catastrophe savings account to provide reimbursement for deductible amounts and other uninsured portions of risks of loss to owners of residential property from a windstorm event, as defined by the act, and allows a tax deduction for deposits made into the account.

EFFECTIVE DATE: May 15, 2012.

Act 2012-414, SB257, provides for an annual appropriation from the Education Trust Fund to each teacher in public school grades K to 12 for classroom supplies in the amount of \$300.

EFFECTIVE DATE: August 1, 2012.

Act 2012-415, SB370, amends Section 26-1-1, Code of Alabama 1975, to allow an honorably discharged veteran who is under the age of 19 to enter into a contract for the purchase of a motor vehicle.

EFFECTIVE DATE: August 1, 2012.

Act 2012-416, SB439, amends Section 32-6-62, Code of Alabama 1975, to provide that all motor vehicle license plate designs will be valid for not less than five years unless the Commissioner of Revenue authorizes otherwise. The act does not affect any license plate designs that have been designated as permanent.

EFFECTIVE DATE: August 1, 2012.

Act 2012-423, HB65, amends Section 34-13-50, Code of Alabama 1975, to prohibit the Alabama Board of Funeral Service from issuing a funeral director's license to any person who has not completed a course of instruction in funeral arts at an accredited mortuary or funeral service school or college.

EFFECTIVE DATE: August 1, 2012.

Act 2012-424 HB126, is the Unclaimed Life Insurance Benefits Act. The act requires an insurer to perform a comparison of its insureds' in-force life insurance policies, annuity contracts, and retained asset accounts against a death master file to identify potential death master file matches of its insureds within a certain timeframe. The act prohibits a fee from being charged based upon the search, and requires insurers to locate and provide certain notice to locate beneficiaries or other persons entitled to payment under the policy or contract. The act requires insurers to provide certain notice to the State Treasurer and submit unclaimed life insurance or annuity death benefits or unclaimed retained asset accounts, plus any applicable accrued interest, to the State Treasurer pursuant to current law.

EFFECTIVE DATE: January 1, 2014.

Act 2012-425, HB277, levies a tax on cigar wrappers manufactured using tobacco sold at wholesale in this state or imported into this state for use, consumption, or sale at retail. The act requires a seller of cigar wrappers to obtain a license. The act also requires a seller of cigar wrappers to report to the Department of Revenue the amounts sold and provides penalties for failure to report.

EFFECTIVE DATE: August 1, 2012.

Act 2012-426, HB278, amends Sections 13A-8-30, 13A-8-31, 13A-8-32, 13A-8-33, 13A-8-34, 13A-8-35, 13A-8-36, 13A-8-37, and 13A-8-39, Code of Alabama 1975, relating to secondary metals recyclers, to require a secondary metals recycler to maintain additional records relating to the purchase of ferrous and nonferrous metals. The act further limits purchases by secondary metals recyclers for certain metal and requires recyclers to register with the Alabama Criminal Justice Information Center (ACJIC). The act requires the ACJIC to maintain a database of certain information collected by secondary metals recyclers relating to the purchase of metal products. The act limits civil liability for public or private owners of metal property for certain injuries related to metal property. The act imposes criminal liability for damaging or destroying certain metal property and the possession of stolen metal property. The act also restricts the purchase of specified metal property by secondary metals recyclers.

EFFECTIVE DATE: August 1, 2012.



Act 2012-427, HB286, amends Sections 40-18-14 and 40-18-21, Code of Alabama 1975, to provide owners of Subchapter K entities and Alabama S corporations, as well as resident beneficiaries of an estate or trust, with a tax credit equal to their proportionate share of certain income or gross profits taxes paid or accrued to other states or territories on behalf of the owners and a credit for a portion of the income taxes paid or accrued to a foreign country with respect to the trade or business or investment income of the entity. The act also requires the Department of Revenue to report to the Legislature the extent to which credits for taxes paid to foreign countries are claimed.

EFFECTIVE DATE: The amendments to Section 40-18-14 and 40-18-21(a), Code of Alabama 1975, apply to all tax years beginning after December 31, 2010. The amendments to Section 40-18-21(c) apply to all tax years beginning after December 31, 2011. Taxpayers subject to the act may recognize gains from a taxable disposition of all or any portion of assets or Subchapter K interests consistent with pre-act application under Sections 40-18-14 and 40-18-21, Code of Alabama 1975, where the parties can document that negotiations began prior to January 1, 2011, and continued with regularity until the transaction was completed in 2011. No penalty, including any payment otherwise required under Section 40-18-80, Code of Alabama 1975 is due or assessed for any underpayment of or failure to pay estimated income tax resulting from any retroactive application of the amendments contained in the act.

Act 2012-428, HB318, amends Section 9-13-60, Code of Alabama 1975, to include the removal of timber or forest products of another by deception as an unlawful act subject to existing criminal penalties.

EFFECTIVE DATE: August 1, 2012.

Act 2012-429, HB323, is the Insurance Fraud Investigation Unit and Crime Prevention Act. The act amends Sections 10A-20-6.16 and 27-21A-23, Code of Alabama 1975, to authorize the Department of Insurance to oversee and investigate suspected insurance fraud, as defined by the act. The act makes documents and evidence obtained by the department through the course of investigating insurance fraud privileged and confidential, with certain exceptions. The act creates the Insurance Fraud Unit within the department to independently investigate insurance fraud. The act creates the Insurance Fraud Unit Fund and makes appropriations from the fund for the fiscal years ending September 30, 2012, and September 30, 2013, for the operation of the Insurance Fraud Unit. The act provides certain immunity from civil liability for certain persons reporting and investigating suspected insurance fraud and provides civil and criminal penalties for insurance fraud. The act also subjects health maintenance organizations to regulations adopted by the Commissioner of Insurance.

EFFECTIVE DATE: August 1, 2012.

Act 2012-430, HB343, is The Health Care Sharing Ministries Freedom to Share Act. The act authorizes a health care sharing ministry to match persons with medical needs and medically related financial needs with participants in the health care sharing ministry who are willing to provide medical and financial support. The act also exempts a health care sharing ministry from regulation as an insurance company.

EFFECTIVE DATE: August 1, 2012.

Act 2012-431, HB374, amends Sections 34-17-20, 34-17-21, 34-17-22, 34-17-24, and 34-17-25, Code of Alabama 1975, relating to landscape architects, to provide for the use of the title “registered landscape architect.” The act clarifies the status of the master’s and doctoral degrees in fulfilling the education requirements for licensure as a landscape architect and provides that an applicant may be admitted to the licensure examination upon presenting evidence of at least eight years of actual practical experience of a grade and character satisfactory to the board under certain conditions. The act provides for the examination to be digital and changes the date by which delinquency fees must be paid. The act also establishes a fee to administer the supplemental state examination.

EFFECTIVE DATE: August 1, 2012.

Act 2012-432, HB400, is The Alabama Digital Crime Act. The act creates the crimes of computer tampering, encoded data fraud, and phishing. The act provides for jurisdiction in the investigation and prosecution of certain computer crimes and the forfeiture of certain computers used in a crime. The act also repeals Sections 13A-8-100, 13A-8-101, 13A-8-102, and 13A-8-103, Code of Alabama 1975, relating to computer crimes.

EFFECTIVE DATE: August 1, 2012.

Act 2012-433, HB466, amends Section 36-25-1, Code of Alabama 1975, relating to ethics, to define “de minimus” as a gift of less than \$25 and an aggregate value of \$50 or less in a calendar year from any provider. The act also provides that the value of a de minimis gift be adjusted based on the increase in the Department of Labor Consumer Price Index or any succeeding equivalent index each four years from August 1, 2012.

EFFECTIVE DATE: August 1, 2012.

Act 2012-434, HB556, amends Section 22-27-5.2, Code of Alabama 1975, to extend the prohibition against the permitting of certain new solid waste facilities from May 31, 2013, to May 31, 2014.

EFFECTIVE DATE: May 5, 2012.

Act 2012-435, HB561, makes an appropriation of \$196,978 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 2013, and to requires the coalition to provide an operations plan and an audited financial statement prior to the release of funds, as well as quarterly and end of year performance reports.

EFFECTIVE DATE: October 1, 2012.

Act 2012-436, HB599, is the Alabama Tourism Destination Attraction Incentive Act. The act amends Sections 40-9B-3, 40-18-190, and 40-18-193, Code of Alabama 1975, to allow the governing body of a municipality, county, or a public industrial authority to grant abatements of certain ad valorem taxes and construction-related transaction taxes to private users of tourism destination attractions and to enable tourism destination attractions, as defined by the act, to qualify for capital credits.

EFFECTIVE DATE: May 15, 2012.

Act 2012-437, HB670, is the Farm-To-School Procurement Act. The act amends Section 16-13B-2, Code of Alabama 1975, to allow a local school board to make certain food purchases without requiring competitive bids. The act provides for the coordination and development of certain farm-to-school procurement processes and procedures by the State Department of Education and the Department of Agriculture and Industries. The act provides for procedures and recommendations for certain farm product producers to access school-related food programs. EFFECTIVE DATE: August 1, 2012.

Act 2012-438, HB20, establishes an entertainment district designation for retail alcoholic beverage licenses available in any Class 1, Class 2, Class 3, Class 4, or Class 5 municipality and municipalities with an incorporated arts council, main street program, or downtown development entity. The act also authorizes the governing body of a municipality to establish entertainment districts with certain restrictions as to number and size. EFFECTIVE DATE: May 16, 2012.

Act 2012-440, HB496, authorizes a Class 6 municipality having an alternate council as provided in Section 11-43A-8, Code of Alabama 1975, under the form of government provided in Article 1, Chapter 43A, Code of Alabama 1975, to provide for the abatement of grass and weeds that become a nuisance under certain conditions. The act requires the municipality to provide notice to property owners and provides for the assessment of costs for the abatement when work is performed by the municipality. The act also allows a lien on the property under certain conditions. EFFECTIVE DATE: May 16, 2012.

Act 2012-461, SB11, amends Section 17-5-16, Code of Alabama 1975, relating to fraudulent misrepresentation of political candidates by use of automated dialing services, to prohibit the initiation or conducting of an automated telephone dialing service without providing clear notice at the ending of the phone call of the sponsor of the call and that the communication was a paid political advertisement. The act also prohibits misrepresentation, during an automated or prerecorded communication, of the person, nonprofit corporation, entity, principal campaign committee, or political action committee that paid for the communication. The act authorizes the Attorney General to investigate and enforce violations of the act. EFFECTIVE DATE: August 1, 2012.

Act 2012-462, SB14, amends Section 41-16-20, Code of Alabama 1975, relating to competitive bidding on contracts of institutions of higher education, to increase the minimum amount of contracts subject to competitive bid from \$7,500 to \$15,000. EFFECTIVE DATE: August 1, 2012.

Act 2012-463, SB76, amends Section 36-26-28, Code of Alabama 1975, to revise the suspension process for classified employees. The act eliminates the requirement that a copy of the written charges establishing the reasons for the suspension be provided to the State Personnel Director. The act also eliminates post-suspension review and provides for a hearing before an independent hearing officer. The act provides procedures for appointment of a hearing officer and allows a classified state employee to challenge the appointment. EFFECTIVE DATE: August 1, 2012.

Act 2012-464, SB101, except as authorized by current law or the department, prohibits Department of Corrections inmates from possessing a cellular telephone, wireless communication device, or computer that allows the input, output, examination, or transfer of computer programs from one computer to another and prohibits possession of such a device by persons with intent to deliver the device to an inmate. The act requires an inmate communicating via a cellular telephone or other communication device with another person to provide his or her identity and inmate identification number to the person. The act prohibits department employees from possessing with intent to deliver or delivering a cellular telephone or similar communication device to an inmate in the custody of the department. The act also provides for confiscation of a cellular telephone or similar communication device from a visitor of an inmate if the device is discovered upon search or passage through a metal detector.

EFFECTIVE DATE: August 1, 2012.

Act 2012-465, SB266, amends Section 15-19-1, Code of Alabama 1975, relating to youthful offender status, to provide that prior to a hearing to determine youthful offender status when a defendant is charged with a crime that alleges the defendant intentionally inflicted serious bodily injury or intentionally killed the victim, the victim is entitled to 10 days' notice prior to the hearing in accordance with the Crime Victims' Rights Act. The act further provides that the failure to provide the requisite notice is not grounds to have the case set aside.

EFFECTIVE DATE: August 1, 2012.

Act 2012-466, SB292, makes an appropriation of \$173,276 from the Education Trust Fund to Lyman Ward Military Academy in Camp Hill, Alabama, for the support and maintenance of the educational program of the institution for the fiscal year ending September 30, 2013. The act requires the academy to submit an operations plan and an audited financial statement prior to the release of any funds and requires quarterly and end-of-year reports.

EFFECTIVE DATE: October 1, 2012.

Act 2012-467, SB293, makes an appropriation of \$582,997 from the Education Trust Fund to Talladega College in Talladega, Alabama, for the support and maintenance of the educational program of the institution for the fiscal year ending September 30, 2013. The act requires the college to submit an operations plan and an audited financial statement prior to the release of any funds and requires quarterly and end-of-year reports.

EFFECTIVE DATE: October 1, 2012.

Act 2012-468, SB294, amends Section 28-3A-23, Code of Alabama 1975, relating to the size of beer containers sold at retail, to allow beer to be sold in containers not to exceed 25.4 ounces.

EFFECTIVE DATE: August 1, 2012.

Act 2012-469, SB303, makes an appropriation of \$8,942,227 from the Education Trust Fund to Tuskegee University in Tuskegee, Alabama, for the support and maintenance of the educational program of the institution for the fiscal year ending September 30, 2013. The act requires the college to submit an operations plan and an audited financial statement prior to the release of any funds and requires quarterly and end-of-year reports.

EFFECTIVE DATE: October 1, 2012.

Act 2012-470, SB348, is the Alabama Uniform Foreign-Country Money Judgments Recognition Act. The act establishes an Alabama court procedure for recognizing money judgments issued by a foreign country. The act specifies the burdens of proof for parties and revises the grounds for denying foreign judgments. The act also establishes a statute of limitations for recognition of foreign judgments.

EFFECTIVE DATE: January 1, 2013.

Act 2012-471, SB367, amends Section 9-11-153, Code of Alabama 1975, to provide for a commercial paddlefish dealer's license for the purchase or sale of paddlefish (spoonbill) roe, flesh, or parts and to provide penalties for commercial activity without the license.

EFFECTIVE DATE: August 1, 2012.

Act 2012-472, SB379, amends Sections 20-1-5 and 20-1-27, Code of Alabama 1975, to prohibit obscuring, removing, or rendering illegible any information appearing on beverage labels, packages, or containers related to product information, best before dates, or other disclosures printed or affixed to the label or package, with certain exceptions. The act also prohibits storing or transporting any beverage product that bears a labeling that has been obscured, removed, or otherwise rendered illegible, with certain exceptions.

EFFECTIVE DATE: August 1, 2012.

Act 2012-473, SB386, amends Sections 12-25-3, 12-25-32, 12-25-34, and 12-25-36, Code of Alabama 1975, relating to the Sentencing Commission, to further provide for the membership of the commission. The act delays the presentation of truth-in-sentencing standards for legislative consideration and requires the commission's annual report to be submitted to the Legislature at least 45 days prior to each regular session. The act provides that recommendations for modifications of the sentencing standards for nonviolent offenders included in the report become effective unless the Legislature, by act, rejects the recommended modifications. The act also provides for presumptive sentencing standards for specified offenses, with certain exceptions.

EFFECTIVE DATE: May 15, 2012.

Act 2012-474, SB398, amends Section 40-18-27, Code of Alabama 1975, to allow the Department of Revenue to provide an additional relief mechanism, in certain circumstances as provided in federal law, to a husband and wife who are jointly and severally liable for income taxes.

EFFECTIVE DATE: May 15, 2012.

Act 2012-475, SB456, amends Section 40-12-49, Code of Alabama 1975, to allow the Board of Bar Commissioners to set the annual license fee for attorneys.

EFFECTIVE DATE: May 15, 2012.

Act 2012-476, SB494, amends Section 34-22-61, Code of Alabama 1975, to specify that the funds appropriated to or otherwise received by the Board of Optometric Scholarship Awards do not revert to any other fund at the end of the fiscal year.

EFFECTIVE DATE: May 15, 2012.

Act 2012-477, SB497, amends Section 17-5-8, Code of Alabama 1975, relating to the periodic filing of campaign finance disclosure reports, to eliminate duplicative and multiple filings of the same information covered in certain prior reports. The act requires daily reports to include all activity occurring since the most recent report and does not require reports when the entire reporting period is covered by daily and weekly reports. The act also requires the monetary balance of each committee reporting to begin at the same monetary balance reported in the most recent report.

EFFECTIVE DATE: August 1, 2012.

Act 2012-478, SB571, amends Section 34-23-116, Code of Alabama 1975, to specify that the Third Party Prescription Program Act does not apply to the Public Education Employees' Health Insurance Plan.

EFFECTIVE DATE: May 15, 2012.

Act 2012-481, HB741, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Winston County, to provide for the judge of probate to be compensated on a salary basis from the general fund of the county at a specified amount and to provide for the one-stop issuance of motor vehicle license plates by the judge of probate.

EFFECTIVE DATE: Contingent upon ratification.

Act 2012-482, HB360, is the Flexible School Calendar Act of 2012. The act amends Section 16-13-231, Code of Alabama 1975, to require each local board of education to establish a local calendar providing 180 full instructional days, or the equivalent thereof, per school year for the computation of Foundation Program Fund benefits. The act establishes the parameters for when academic instruction for students may begin and end in the public elementary and secondary schools of the state. The act prohibits a local board of education from reducing the amount in any cell of any employee salary schedule, or otherwise reducing the compensation of an employee, based upon this act or any future modification to its calendar or schedule. The act also requires the Legislative Fiscal Office to report the fiscal impact of the act on state tax revenues to the members of the Senate Finance and Taxation – Education Committee and the members of the House Ways and Means – Education Committee.

EFFECTIVE DATE: August 1, 2012.

Act 2012-483, HB257, is the Alabama New Markets Development Act. The act establishes state income, financial institution excise, and premium tax credits, with certain exceptions, for investments in businesses in impoverished and low-income communities.

EFFECTIVE DATE: August 1, 2012.

Act 2012-485, SB581, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Etowah County, to authorize the Legislature, by local or general act, to fix, regulate, and alter the costs and charges of the court and to ratify and confirm any local law authorizing any additional court costs enacted prior to the adoption of the amendment.

EFFECTIVE DATE: Contingent upon ratification.

Act 2012-486, SB393, is the Jason Barfield Act. The act provides an income tax exemption for any member of the Armed Forces killed in action if a resident of this state at the time of death. The act also provides an income tax exemption for the spouse of a member of the Armed Forces killed in action and prescribes the procedure for granting both exemptions.  
EFFECTIVE DATE: Retroactively effective to January 1, 2011.

Act 2012-487, SB568, proposes an amendment to the Constitution of Alabama of 1901, pertaining only to Marengo County, to provide for the compensation of the judge of probate based on the population of the county as provided by general law instead of 90 percent of the rate paid to a district judge in the county. The act also repeals Act 2012-215, 2012 Regular Session, proposing a constitutional amendment relating to the salary of the judge of probate.  
EFFECTIVE DATE: Contingent upon ratification.

Act 2012-488, HB748, proposes an amendment to the Constitution of Alabama of 1901, to levy an additional one percent sales and use tax on certain items and one-half of one percent on certain other items in Baldwin County to be distributed to any local boards of education in the county in accordance with state law for public school purposes. The proposed amendment provides an expiration date for the tax of June 1, 2018, as well as a renewal method for the tax. The proposed amendment prescribes penalties for violation of the amendment and provides for the collection of the sales and use tax, with certain exemptions. The proposed amendment also provides for the payment of election expenses by the Baldwin County Board of Education.  
EFFECTIVE DATE: Contingent upon ratification.

Act 2012-489, HB734, makes a supplemental appropriation of \$40,000,000 from the Education Trust Fund to the Budget Stabilization Fund for the fiscal year ending September 30, 2012.  
EFFECTIVE DATE: May 16, 2012.

Act 2012-490, SB147, proposes an amendment to the Constitution of Alabama of 1901, to provide a new procedure for distributions made from the Alabama Trust Fund beginning with the 2012-2013 fiscal year. The proposed amendment further provides for distributions made from the County and Municipal Government Capital Improvement Trust Fund and removes the requirement for additional transfers to the fund under certain circumstances. The proposed amendment creates an advisory committee for the County and Municipal Government Capital Improvement Trust Fund and provides for the transfer of funds from the Alabama Trust Fund to the State General Fund beginning in fiscal year 2012-2013 and concluding in fiscal year 2014-15. The proposed amendment repeals conflicting provisions of the Constitution of Alabama of 1901, including portions of Amendments 450, 543, and 666, Amendments 668, and portions of Amendment 803, and repeals Sections 11-29-5 and 11-66-5, Code of Alabama 1975, relating to appropriations of trust income to the County and Municipal Government Capital Improvement Trust Fund.  
EFFECTIVE DATE: Contingent upon ratification.

Act 2012-491, HB658, amends Sections 31-13-3, 31-13-5, 31-13-6, 31-13-8, 31-13-9, 31-13-13, 31-13-19, 31-13-20, 31-13-23, 31-13-26, 31-13-28, 31-13-29, Code of Alabama 1975, to revise the Beason-Hammon Alabama Taxpayer and Citizen Protection Act. The act requires the Administrative Office of Courts to submit a quarterly report to the Alabama Department of Homeland Security summarizing the number of cases in which an unlawfully present person was detained by law enforcement and appeared in court for any violation of state law, and requires the department to publish this information on its public website. The act prohibits a person from harboring an alien unlawfully present in the United States by entering into a rental agreement with an alien to provide accommodations, if the person knows or recklessly disregards the fact that the alien is unlawfully present in the United States. The act also requires the Department of Revenue to conduct annual searches of its records to determine if multiple individuals have filed tax returns under the same Social Security number or the same individual tax identification number. The act also amends Sections 32-6-10.1, and 32-6-9, Code of Alabama 1975, to provide for the identification of persons charged with driving without a license and to provide further for the definition of foreign nationals.

EFFECTIVE DATE: May 15, 2012.

Act 2012-492, SB47, requires the Alabama Supreme Court to adopt guidelines to implement an expedited civil action in circuit courts under certain circumstances.

EFFECTIVE DATE: August 1, 2012.

Act 2012-493, SB135, amends Sections 34-8B-4, 34-8B-5, 34-8B-10, 34-8B-14, 34-8B-15, and 34-8B-17, Code of Alabama 1975, relating to the Alabama Board of Court Reporting, to eliminate board member compensation and the requirement that the board make an annual report to the Governor and the Secretary of State. The act authorizes additional entities to administer the written knowledge examination and requires court reporters to complete a court reporting program. The act clarifies that the temporary license authorized under current law is effective 18 months from the date of issuance, not the graduation date. The act also allows the board to charge change of information and administrative fees.

EFFECTIVE DATE: August 1, 2012.

Act 2012-494, SB216, amends Section 40-22-1, Code of Alabama 1975, to require any person presenting a deed, bill of sale, or other instrument conveying real or personal property within this state or that conveys any interest in the property to the judge of probate for recording to pay the privilege or license tax prior to recording. The act requires that a deed, bill of sale, or other instrument for recording shall be accompanied by proof of the actual purchase price of the property or actual value of the property. If proof is not presented, the privilege or license tax will be based upon the most recent assessment of the property and a person failing to submit the required proof will be subject to monetary penalties for failure to comply with the law.

EFFECTIVE DATE: August 1, 2012.



Act 2012-495, SB262, is the Elder Abuse Prevention Act. The act creates the Alabama Interagency Council for the Prevention of Elder Abuse to develop a long-range plan for addressing the needs of those at risk for elder abuse utilizing, to the extent practical, scientific-based research and nationally recognized best practices, as well as to develop a coordinated program of services for victims of elder abuse. The act provides that the Department of Senior Services is responsible for the general administration, supervision, and monitoring of all council activities and subjects the council to the Alabama Sunset Law.

EFFECTIVE DATE: August 1, 2012.

Act 2012-496, SB450, amends Sections 25-2-1, 25-2-2, 25-2-6, and 25-2-7, Code of Alabama 1975, to merge the Department of Labor and the Department of Industrial Relations with the surviving entity referenced as the Department of Labor. The act specifies that references in current law to the “Department of Industrial Relations” or the “Department of Labor” are a reference to the Department of Labor. The act also specifies that any reference to the “Director of Industrial Relations” or the “Commissioner of Labor” is a reference to the Commissioner of Labor. The act repeals Sections 25-3-1, 25-3-2, 25-3-3, 25-3-4, and 25-3-5, Code of Alabama 1975, relating to the Department of Labor.

EFFECTIVE DATE: October 1, 2012.

Act 2012-497, SB499, amends Section 16-60-110, Code of Alabama 1975, to remove Athens State University from under the jurisdiction, supervision, and control of the State Board of Education and Department of Postsecondary Education, but to remain under the jurisdiction, supervision, and subject to the rules, regulations, and procedures of the Alabama Commission on Higher Education. The act provides for the mission of the university, the governance of the university by the Board of Trustees of Athens State University, and the powers and duties of the board. The act specifies the appointment process for and the duties of the president of the university. The act also provides for the employment of suitable persons to serve as police officers for the university.

EFFECTIVE DATE: October 1, 2012.

Act 2012-498, HB11, provides that the surviving spouse or dependent of a person covered by the State Employees’ Insurance Board health insurance who is killed in the line of duty or who dies as a result of an injury received in the line of duty shall continue to be covered under SEIB insurance, with the cost to be paid from the State Treasury, with certain exceptions.

EFFECTIVE DATE: August 1, 2012.

Act 2012-499, HB14, authorizes the presiding circuit judge of each judicial circuit to create guidelines providing for certain pretrial proceedings in civil, criminal, or probate cases in circuit, district, and probate court to be conducted by telephone conferencing or other audio-video telecommunication means.

EFFECTIVE DATE: January 1, 2013.

Act 2012-500, HB15, provides for security freezes on consumer credit reports to enhance protection from identity theft. The act specifies the procedures for placing, removing, and temporarily lifting a security freeze. The act also provides for fees with certain limitations, fines for violations of the act, and notice to consumers regarding the availability of the right to place a security freeze on a credit report.

EFFECTIVE DATE: August 1, 2012.

Act 2012-501, HB19, amends Section 32-6-3, Code of Alabama 1975, to allow a private high school driver's education instructor, certified, approved, and trained by the Department of Public Safety, to act as a third party testing agent for the department for students enrolled in driver's education classes.

EFFECTIVE DATE: August 1, 2012.

Act 2012-502, HB46, provides that any person who unlawfully enters or attempts to enter the property of another to engage in criminal conduct assumes the risk of any injury to him or her resulting from the commission or effort to commit a crime, provided that the property owner acts as a reasonably prudent person would under the same or similar circumstances. The owner and his or her agents will be immune from any civil liability due to the reasonable and proportionate acts of the owner or his or her agent in resisting the criminal conduct if the owner or agent acts as a reasonably prudent person under the same or similar circumstances. The act also provides certain exceptions to the civil immunity.

EFFECTIVE DATE: August 1, 2012.

Act 2012-503, HB81, requires the access and use of stored wire and electronic communications, transactional location records, pen registers, and trap and trace devices to comply with federal law and provides for the installation and use of these devices in emergency and other circumstances, including an emergency declared as to a missing person report.

EFFECTIVE DATE: August 1, 2012.

Act 2012-504, HB93, amends Sections 37-15-2 and 37-15-5, Code of Alabama 1975, relating to the "One-Call Notification System," to further provide for the definition of "person." The act also provides that underground facility operators who elect to conduct an in-house program to receive excavation and demolition notifications in lieu of participating in the one-call notification system are responsible under certain conditions for damages to underground facilities.

EFFECTIVE DATE: January 1, 2013.

Act 2012-505, HB97, amends Section 16-64-2, Code of Alabama 1975, to classify certain members of the Alabama National Guard as residents eligible for instate tuition rates.

EFFECTIVE DATE: May 22, 2012.

Act 2012-506, HB101, amends Section 28-3A-25, Code of Alabama 1975, to delete the prohibition against any licensee of the Alcoholic Beverage Control Board, or the servant, agent, or employee of a licensee, from being employed by any other licensee engaged in the manufacture, storage, transportation, or sale of alcoholic beverages.

EFFECTIVE DATE: August 1, 2012.

Act 2012-507, HB121, amends Section 25-4-78, Code of Alabama 1975, to allow spouses of active duty members of the military who receive permanent change of station orders, activation orders, or unit deployment orders to receive unemployment benefits if they voluntarily quit working in order to permanently relocate. The act specifies that any benefits paid to the individual based upon wages paid for that period of employment immediately preceding the separation is not to be charged to the account of the employer.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-508, HB122, authorizes active and retired military personnel, including any reserve component thereof, or the National Guard, to enter state parks without charge on state or federal holidays upon presentation of military identification.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-509, HB136, amends Section 36-25-1, Code of Alabama 1975, to increase the threshold for filing a statement of economic interest from \$50,000 to \$75,000 and to allow the Ethics Commission to adjust the amount pursuant to the cost-of-living index. The act also requires every public employee serving as a supervisor to file a statement of economic interest.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-510, HB166, is the Alabama Homeowners Bill of Rights Act. The act requires insurers to provide to homeowner policyholders an outline of policy coverage and a standard checklist of policy contents. The act specifies rights of policyholders regarding pricing, advertising, financial assurances, readable policies, balanced regulation by the Department of Insurance, inquiring about the licensing status of insurance personnel, cancellation rights, timely claim payment, the receiving of copies of certain reports relating to claim estimates, filing complaints, fair treatment, and rejection of settlement offers. The act also provides that any violation of the act by an insurer is punishable as a violation of the Unfair Trade Practices Act.  
EFFECTIVE DATE: Effective July 1, 2013, for policies of new business with an effective date on or after July 1, 2013, and for existing policies with a renewal date on or after July 1, 2013.

Act 2012-511, HB192, amends Section 16-54-7, Code of Alabama 1975, to provide for the disposition of funds derived from the sale of nonfederally granted lands of the University of Montevallo.  
EFFECTIVE DATE: August 20, 2012.

Act 2012-512, HB239, amends Section 41-10-25, Code of Alabama 1975, to add the Governor, or his or her designee, the President Pro Tempore of the Senate, or his or her designee, and the Speaker of the House of Representatives, or his or her designee, as members of the State Industrial Development Authority. The act also provides that the Secretary of the Department of Commerce shall serve as president of the authority rather than the Director of the Alabama Development Office.  
EFFECTIVE DATE: May 22, 2012.

Act 2012-513, HB249, exempts the Alabama Marine Corps League from the payment of all state, county, and municipal sales and use taxes.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-514, HB258, prohibits inmates in the custody of the Department of Corrections or city and county jails from establishing or maintaining any Internet-based social networking website.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-516, HB336, amends Section 32-6-1.2, Code of Alabama 1975, to specify that an honorably discharged veteran presenting his or her DD Form 214 may receive a veteran's driver's license.  
EFFECTIVE DATE: May 22, 2013.

Act 2012-517, HB352, authorizes Class 3 municipalities to file an expedited quiet title and foreclosure action in circuit court to establish clear title to abandoned tax sale properties within the corporate limits that are acquired from the State Land Commissioner pursuant to current law. The act also provides for the procedure and due process for the action in circuit court, including an appeal process.  
EFFECTIVE DATE: May 22, 2012.

Act 2012-518, HB399, is the Alabama Uniform Interstate Depositions and Discovery Act. The act allows litigants in another state to depose individuals and conduct discovery in this state and allows out-of-state litigants to request a subpoena from the circuit clerk of the county in order to obtain discoverable material in that county. The act specifies that the Alabama Rules of Civil Procedure will be applicable to all subpoenas served under this act. The act also provides that privileges extended to out-of-state litigants by this act will only apply if reciprocal privileges are provided by the jurisdiction where the action is pending.  
EFFECTIVE DATE: January 1, 2013.

Act 2012-519, HB405, allows a person who has entered into a written contract with a residential roofing contractor to provide goods or services to be paid from the proceeds of a property and casualty insurance policy to cancel the contract within a certain timeframe upon notice to the insured of non-coverage of the property. The act requires notice of cancellation and provides the form of cancellation, specifies certain exceptions to cancellation of the contract, and provides for emergency roofing services.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-520, HB459, limits the liability of an agritourism professional for injuries or damage resulting from inherent risks of an agritourism activity, as defined by the act, with certain exceptions. The act also requires the agritourism professional to post and maintain a warning notice relating to the immunity provided by this act.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-521, HB409, designates Baldwin County as the site of a future historical museum dedicated to the United States Armed Forces.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-522, HB454, amends Section 15-22-2, Code of Alabama 1975, to increase the supervision fee collected from parolees and probationers supervised by the Board of Pardons and Paroles. The act also eliminates the requirement that the fees be paid by the fifth of each month and be deposited by the tenth of each month. The act reduces the fee to \$30 per month on January 1, 2016.

EFFECTIVE DATE: May 22, 2012.

Act 2012-523, HB497, amends Section 25-5-50, Code of Alabama 1975, relating to exemptions from workers' compensation, to provide that a sports official for interscholastic or intercollegiate sports events is an independent contractor exempt from workers' compensation coverage. The act also provides civil immunity for injuries or damages arising from action or inaction of the sports official during officiating duties, with certain exceptions.

EFFECTIVE DATE: August 1, 2012.

Act 2012-524, HB505, amends Section 40-9B-13, Code of Alabama 1975, the Tornado Recovery Tax Incentive Protection Act of 2011, to rename the act the "Disaster Recovery Tax Incentive Protection Act of 2011" and to expand the protection of tax abatements in the event properties are damaged or destroyed by any natural disaster, in addition to the damage incurred during the tornado outbreaks of April, 2011.

EFFECTIVE DATE: Retroactive to April 15, 2011.

Act 2012-525, HB513, allows the Jacksonville State University Board of Trustees to participate in meetings by telephone conference or video conference under certain circumstances, including the requirement that proper notice be given pursuant to the Open Meetings Act and the public is able to hear or observe the meetings.

EFFECTIVE DATE: May 22, 2012.

Act 2012-526, HB517, amends Sections 22-11D-1, 22-11D-2, 22-11D-3, 22-11D-4, 22-11D-5, 22-11D-6, 22-11D-7, 22-11D-8, and 22-11D-9, Code of Alabama 1975, to expand the registry and system of care in the statewide trauma system by authorizing the State Board of Health, in consultation with the Statewide Trauma and Health System Advisory Council, to establish and coordinate statewide systems of emergency medical and hospital care for other illnesses, such as stroke.

EFFECTIVE DATE: August 1, 2012.

Act 2012-527, HB518, establishes the Alabama Public Interest Energy and Fuel Research and Development Grants Program to provide funding for energy and fuel related public interest energy research and development within the Department of Agriculture and Industries Center for Alternative Fuels. The act requires the Commissioner of the Department of Agriculture and Industries to evaluate and distribute appropriations by the Legislature and other funds allocated for public interest energy and fuel research and development grants based on advisory commission input. The act creates the Public Interest Energy and Fuel Research and Development Grants Fund and the Advisory Commission on Public Interest Energy and Fuel Research and Development Grants. The act also makes an appropriation of \$20,000 to the fund for the fiscal year ending September 30, 2012, and the fiscal year ending September 30, 2013.

EFFECTIVE DATE: May 22, 2012.

Act 2012-528, HB581, amends Section 31-5-3, Code of Alabama 1975, to authorize the Department of Veterans' Affairs, rather than the state, to own the land upon which a veterans' cemetery is located. The act also authorizes the State Service Commissioner to execute deeds and other instruments for the department. The act retroactively ratifies deeds of cemetery property to the department prior to August 1, 2012.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-529, HB590, amends Section 41-4-57, Code of Alabama 1975, to allow state officers and employees to submit statements of travel expenses without a verifying affidavit.  
EFFECTIVE DATE: May 22, 2012.

Act 2012-530, HB611, amends Section 36-29-1, Code of Alabama 1975, relating to State employees' Health Insurance Plan Coverage, to modify the definition of "years of creditable coverage" to include employees of the USS Alabama Battleship Commission.  
EFFECTIVE DATE: May 22, 2012, and retroactive to July 1, 2008.

Act 2012-531, HB625, allows each state park that has a lodging facility and a restaurant to sell alcoholic beverages for on-premises consumption Monday through Saturday except that in those facilities which currently allow Sunday sales of alcoholic beverages, alcohol may be sold for on-premises consumption each day of the week. The act does not apply to any state park or municipality located within Chilton County.  
EFFECTIVE DATE: May 22, 2012.

Act 2012-532, HB631, amends Sections 41-13-20 and 41-13-22, Code of Alabama 1975, to further provide for the membership of the State Records Commission and the Local Governmental Records Commission and to specify the meeting dates of the commissions.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-533, HB638, expedites the issuance of professional licenses or certificates for spouses of active duty military personnel. The act also authorizes a military spouse who has obtained a professional license or certificate in another state with greater or substantially similar licensing or certification requirements to continue to work in his or her profession upon relocation to this state, with certain limitations. The act does not apply to the practice of law or the regulation of attorneys.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-535, HB688, increases the docket fees in certain civil and criminal cases in the circuit, district, and municipal courts and provides for the collection and distribution of the revenue. The act creates certain funds in which portions of the fees will be deposited. The act also provides for bail bond fees in certain amounts and exempts bonds for certain traffic violations from the fees. The act authorizes the clerks of the various courts to collect the bail bond fees and provides for distribution. The provisions of this act will expire on September 30, 2015.  
EFFECTIVE DATE: Section 2(a)(1)b., Section 2(e), Section 2(g), and Section 4 are effective August 1, 2012. The remaining portions of the act are effective June 21, 2012.

Act 2012-536, HB696, amends Sections 40-26B-21, 40-26B-22, and 40-26B-26, Code of Alabama 1975, relating to the Medicaid privilege assessment and reimbursements, to levy a monthly surcharge, in addition to the supplemental privilege assessment on the business activities of nursing facilities, beginning May 20, 2012, and ending August 31, 2013, to be due with each payment of the supplemental privilege assessment. The act reduces the initial monthly surcharge beginning September 20, 2012. The act also extends the zero-percent inflation factor in computing overall reimbursement rates.  
EFFECTIVE DATE: May 22, 2012.

Act 2012-538, HB733, amends Sections 11-54-171, 11-54-173, 11-54-174, 11-54-178, and 11-54-190, Code of Alabama 1975, to further provide for the formation of a commercial development authority and to remove the requirement that an incorporator be a qualified elector of the municipality where the authority is being formed.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-543, HB187, provides for a voluntary contribution to the Alabama Association of Rescue Squads made by check-off on income tax returns.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-544, HB185, exempts the Alabama Association of Volunteer Fire Departments, county volunteer fire associations, the Alabama Association of Rescue Squads, Incorporated, all volunteer rescue squads that are members of the Alabama Association of Rescue Squads, all county volunteer rescue associations, and all local fire districts that are not under the auspices of their county commission from any state, county, and local sales and use taxes and ad valorem taxes.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-545, HB607, provides for the transfer, for the fiscal year ending September 30, 2013, of certain state funds into the State General Fund to help offset the costs of services provided by agencies that receive appropriations from the State General Fund.  
EFFECTIVE DATE: October 1, 2012.

Act 2012-549, HB95, amends Sections 36-30-20, 36-30-21, 26-30-22, and 36-30-23, Code of Alabama 1975, relating to the eligibility for death or disability benefits of certain law enforcement officers, to further provide for the definition of “law enforcement officer” to include any law enforcement officer in this state. The act also further defines “occupational disease” and further specifies procedures for the award of death or disability benefits.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-550, HB222, amends Sections 19-3A-409 and 19-3A-505, Code of Alabama 1975, relating to the Alabama Principal and Income Act, to further distinguish between the principal of a trust and the distribution of income from a trust. The act also provides for certain transitional matters in the application of the act.  
EFFECTIVE DATE: January 1, 2013.

Act 2012-551, HB447, requires certain centralized waste treatment facilities seeking a permit or modification of a permit from the Alabama Department of Environmental Management (ADEM) to operate a facility that processes or treats industrial wastes, industrial wastewater, or used material to post a performance bond or other financial assurance in an amount sufficient to close the facility if the owner or operator ceases operation, abandons the facility, or fails to properly maintain the facility in compliance with state environmental regulations. The act provides for a fee based on the amount of waste treated and establishes a fund administered by ADEM to receive the fees for the purpose of providing for the rehabilitation of facilities upon the fund reaching a threshold amount.

EFFECTIVE DATE: August 1, 2012.

Act 2012-552, HB461, requires recreational park trailers to be constructed in compliance with standards of the American National Standards Institute and subjects the trailer to independent third-party inspections. The act also specifies that a recreational park trailer that meets the requirements of the act is not a mobile home or otherwise subject to regulation by the Manufactured Housing Commission. See also Act 2012-566.

EFFECTIVE DATE: May 23, 2012.

Act 2012-553, HB566, amends Section 34-23-70, Code of Alabama 1975, to allow certain federally qualified health care centers and public health facilities to compound and dispense non-controlled substances at one location and deliver the medications to clinics for patient pick-up.

EFFECTIVE DATE: August 1, 2012.

Act 2012-554, HB427, requires any construction of a building containing classrooms or dorm rooms on the grounds of a public two-year or four-year institution of higher education to include a safe space or hallway approved by the Alabama Building Commission.

EFFECTIVE DATE: August 1, 2012.

Act 2012-555, HB186, amends Section 9-3-18, Code of Alabama 1975, to provide for the disposal of money, property, or equipment donated to a fire department or rescue squad by the state, a county, municipality, or other governmental entity under certain conditions.

EFFECTIVE DATE: August 1, 2012.

Act 2012-556, HB242, is the Commonsense Consumption Act. The act bars civil actions, with certain exceptions, against packers, distributors, manufacturers, carriers, holders, sellers, marketers, or advertisers of food products that comply with applicable statutory and regulatory requirements based upon claims arising out of weight gain, obesity, a health condition associated with weight gain or obesity, or other generally known condition allegedly caused by or resulting from long-term consumption of food. The act applies to all covered claims pending on May 23, 2012, and all claims filed thereafter, regardless of when the claim arose.

EFFECTIVE DATE: May 23, 2012.

Act 2012-557, HB504, amends Section 16-13B-2, Code of Alabama 1975, to expand the exemptions from competitive bidding requirements for local boards of education to include additional cooperative purchasing programs.

EFFECTIVE DATE: August 1, 2012.



Act 2012-558, HB598, allows a member of the Oxford Emergency Medical Services, Inc., to purchase certain prior non-qualified service credit in the Employees' Retirement System for service rendered to an employer that was not eligible for participation in the Employees' Retirement System. The act would also reopen the Teachers' Retirement System and the Employees' Retirement System for purchase of certain prior service credit in the system by an active and contributing member who was employed with the United States Department of Agriculture Farm Service Agency.  
EFFECTIVE DATE: May 23, 2012.

Act 2012-559, HB5, provides death and disability benefits due to certain occupational diseases for firefighters employed by the state. The act requires the state to prove by a preponderance of the evidence that the condition was caused by some means other than the occupation in order to disqualify the firefighter from benefits.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-560, HB165, is the Alabama Ahead Act. The act provides Alabama's high school students and teachers with digital textbooks (via a pen-enabled tablet, mobile computer, or similar device), where feasible. The act provides that entering ninth graders in year 2012-2013 will be the first students to receive a pen tablet, with each entering ninth grade class to receive one in the following years, until all high school students have pen tablets. The act authorizes the Alabama Public School and College Authority to sell and issue up to \$100,000,000 in bonds to fund the purchase of the tablets and supporting e-books and software. The act requires the State Department of Education to establish an advisory committee to assist in the implementation of this act.  
EFFECTIVE DATE: August 1, 2012.

Act 2012-561, HB213, amends Section 40-12-390, Code of Alabama 1975, to specify that certain financial entities, such as credit unions and licensees of the State Banking Department, are not required to be licensed as used motor vehicle dealers.  
EFFECTIVE DATE: May 23, 2012.

Act 2012-562, HB407, amends Sections 16-16A-2, 16-16A-7, and 16-16A-8, Code of Alabama 1975 relating to Base Realignment and Closure Distributions from bonds issued by the Alabama Public School and College Authority, to increase the amount of bonds that may be sold from \$175,000,000 to \$208,000,000 for bus fleet renewal and renovation or construction of schools upon evidence of 4,700 BRAC-related jobs averaging \$80,000 per year. The act deletes the provision preventing a school district from receiving proceeds of bonds issued by the Public School and College Authority unless the district or political subdivision has experienced an increase in the sales tax rate. The act also deletes the provision providing that a local school system may redirect an existing tax not currently dedicated to schools in order to qualify for bond proceeds.  
EFFECTIVE DATE: May 23, 2012.

Act 2012-563, SB363, amends Section 10A-2-11.02, Code of Alabama 1975, to provide for share exchange transactions whereby a corporation may acquire all of the outstanding shares of one or more classes or series of stock of another corporation upon adoption of a plan of exchange by both board of directors and, if required by law, approval of the plan by shareholders.  
EFFECTIVE DATE: May 23, 2012.

Act 2012-564, SB396, makes a supplemental appropriation from the State General Fund to the following entities for the fiscal year ending September 30, 2012: \$44,587,814 to the Alabama Department of Corrections; \$1,450,000 to the District Attorneys; and \$1,000,000 to the Department of Human Resources. The act further provides for the adult prescription plan for the Alabama Medicaid Agency for the fiscal year ending September 30, 2012. The act also makes a supplemental appropriation from the Alabama Administrative Code Fund to the Legislative Reference Service in the amount of \$150,000 for the fiscal year ending September 30, 2012.  
EFFECTIVE DATE: May 23, 2012.

Act 2012-565, SB278, amends Section 31-2-8, Code of Alabama 1975, to specify that the Alabama State Defense Force would be an augmentation force to the Alabama National Guard and to authorize the Adjutant General to adopt rules providing for the operation of the State Defense Force.  
EFFECTIVE DATE: May 23, 2012.

Act 2012-566, SB442, requires recreational park trailers to be constructed in compliance with standards of the American National Standards Institute and subjects the trailer to inspections by independent third parties. The act also specifies that a recreational park trailer that meets the requirements of the act is not a mobile home or otherwise subject to regulation by the Manufactured Housing Commission. See also Act 2012-552.  
EFFECTIVE DATE: May 23, 2012.

Act 2012-568, HB433, is the General Fund Budget. The act makes appropriations for the ordinary expenses of the executive, legislative, and judicial departments for the fiscal year ending September 30, 2013.  
EFFECTIVE DATE: October 1, 2012.

Act 2012-569, SB318, is the Education Trust Fund Budget. The act makes appropriations for the support, maintenance, and development of public education, for debt service, and for capital outlay for the fiscal year ending September 30, 2013.  
EFFECTIVE DATE: October 1, 2012.

Act 2012-598, SB477, prohibits the state and its political subdivisions from adopting and developing environmental and developmental policies that, without due process, would infringe or restrict the private property rights of the owner of the property, including any policy recommendation originating in, or traceable to, "Agenda 21," adopted by the United Nations in 1992 at its Conference on Environment and Development, or any other international law or ancillary plan of action that contravenes the state and federal constitutions.  
EFFECTIVE DATE: August 1, 2012.

## **2012 FIRST SPECIAL SESSION SUMMARIES**

Act 2012-567, HB12, proposes an amendment to the Constitution of Alabama of 1901, to allow the state to issue general obligation bonds under the authority of Sections 219.04 and 219.041, Constitution of Alabama of 1901, as amended, provided that the aggregate principal amount of bonds then outstanding, rather than issued, does not exceed \$750 million. The proposed amendment also allows the state to issue general obligation refunding bonds under Sections 219.04 and 219.041, Constitution of Alabama of 1901, as amended, subject to certain minimum savings thresholds and limitations of maximum average maturity and provides that general obligation bonds for which refunding bonds have been issued would not be deemed outstanding. EFFECTIVE DATE: Contingent upon ratification.

Act 2012-599, HB13, amends Sections 40-23-60, 40-23-85, and 40-23-174, Code of Alabama 1975, to further provide for the definition and distribution of remote use tax funds. The act also repeals Section 40-23-150, Code of Alabama 1975, relating to distributions to the Education Trust Fund Rainy Day Account. EFFECTIVE DATE: October 1, 2012.

Act 2012-600, HB25, makes an appropriation of \$35,990,322 from the Children First Trust Fund for the fiscal year ending September 30, 2013, to the entities delineated in Section 41-15B-2.2, Code of Alabama 1975. The act also provides for the deposit of tobacco settlement revenues in the Children First Trust Fund, requires written notification of anticipated agency allocations by the State Director of Finance, and conditions the allocations on the receipt of tobacco revenues. The act makes an appropriation of \$48,523,192 from other tobacco settlement funds for the fiscal year ending September 30, 2013, to specified entities, including the Medicaid Agency. The act also makes conditional appropriations of additional tobacco revenues upon the recommendation of certain legislative committees. EFFECTIVE DATE: October 1, 2012.

Act 2012-602, HB19, provides for redistricting of the state into districts for the purpose of electing the members of the Alabama House of Representatives at the General Elections in 2014 and 2018. The act also places proper venue in Montgomery County Circuit Court for any challenge to the validity of all or any portion of the reapportionment and redistricting plan. EFFECTIVE DATE: May 31, 2012.

Act 2012-603, SB25, provides for redistricting of the state into districts for the purpose of electing the members of the Alabama Senate at the General Elections in 2014 and 2018. The act also places proper venue in Montgomery County Circuit Court for any challenge to the validity of all or any portion of the reapportionment and redistricting plan. EFFECTIVE DATE: May 31, 2012.