



No. 2012-14

For latest updates go to the League Web Page (www.alalm.org)

June 8, 2012

Final Legislative Report of the 2012 Regular Session

We wish to thank our legislative sponsors for supporting League bills during the 2012 regular session: Senators Jabo Waggoner, Dick Brewbaker, Paul Sanford, Scott Beason and Linda Coleman, along with Representatives Dan Williams, Jack Williams, Chris England, Barry Moore and Steve McMillan. We also wish to thank the leadership of both chambers for their support of municipal governments during the session. The League was successful in advocating the passage of two bills and had two others in position for final passage on the last day of the session before the Senate adjourned sine die. Most importantly, we were successful in advocating our opposition to several legislative initiatives and were successful in having many other bills amended to make them more acceptable to municipalities in Alabama. Overall, municipal governments had a successful 2012 legislative campaign.

We also wish to thank the municipal contract lobbyists that spent many Wednesdays with us during the session at the League discussing the legislative proposals, developing and implementing advocacy strategies and coordinating the lobbying of legislators on issues of concern to municipal governments. The team work, open dialog and cooperation with League advocacy staff have vastly improved our effectiveness at the Alabama State House. Those that participated during the session were, Hal Bloom, Allen Sanderson and Perry Roquemore with the Bloom Group; Martin Christie and Maeci Martin with Public Affairs Strategy Group; Beth Marietta Lyons with Loveless & Lyons; Mark Gaines with Adams & Reese; Michelle Jordan with the City of Huntsville; Steve Raby with Direct Communications; and Greg Jones with the Jones Group.

Governor Bentley Signs Two League Bills Into Law

Extraterritorial Subdivision Control – SB236 by Sen. Sanford amends Sections 11-52-1, 11-52-30, 11-52-31, 11-52-32, and 11-52-33, Code of Alabama 1975, to provide for the county commission to be responsible for the development of subdivisions in the extraterritorial jurisdiction of a municipal planning commission if the county has adopted subdivision regulations unless 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 unless the municipality and the municipal planning commission under certain conditions specifically vote to override the county's exercise of jurisdiction; to provide that when the municipal planning commission is responsible for the development of subdivisions, the county engineer would certify the plats and maps for filing once approved by the municipal planning commission; and to repeal Sections 11-24-5 and 11-52-36, Code of Alabama 1975. ***The League advocacy staff was successful in having the bill amended to no longer require a county engineer to approve subdivision planning within the municipal incorporated jurisdiction. This was part of the League's legislative package for this session. Act # 2012-297***

Incorporation Validation - SB297 by Senator Waggoner amends Section 11-41-8 of the Code of Alabama 1975, to further provide for the validation of any prior incorporation's of municipalities. *Act # 2012-375*

**House Bills of Interest to Municipal Governments Enacted During
the 2012 Regular Legislative Session**

Texting Ban – HB2 by Rep. McClendon prohibits a person from operating a motor vehicle while text messaging; would provide penalties; and would provide exceptions. *Act # 2012-291*

Line of Duty Deaths - HB11 by Representative Wallace provides a surviving spouse of a peace officer, firefighter, or volunteer firefighter who is killed in the line of duty or dies as a result of an injury received in the line of duty to continue to be covered under the State Employees' Health Insurance Board plan and the cost shall be paid from the State Treasury. *Act # 2012-493*

False Information – HB17 by Sen. Galliher allows a public servant to request the removal of a false instrument that has been filed against the public servant and to have the request expedited by a circuit court. This bill also establishes the crime of falsely removing a recording and would provide penalties. *Act # 2012-209*

Classes 1 to 5 – Entertainment Districts – HB20 by Rep. Buskey creates a new category for existing alcoholic beverage retail licenses, to be designated as entertainment district. *Act # 2012-438*

Unemployment Compensation – Fraud – HB72 By Rep. DeMarco amends Section 25-4-145 of the Code of Alabama 1975, relating to penalties on fraudulent misrepresentation claims for unemployment compensation; to further provide for penalties; and to assess interest on unpaid fraudulent overpayment balances. *Act # 2012-292*

E911 – HB89 by Rep. Millican creates a single E-911 statewide system; emergency service charge applicable to all voice services provided within the state; to create a statewide 911 Board, which shall replace and supersede the existing Commercial Mobile Radio Service (CMRS) Board and which would be responsible for establishing and collecting an emergency telephone service charge; to distribute the funds collected from the service charge to communications districts and CMRS providers; to establish a Permanent Oversight Commission and to provide for the membership and duties of the commission; and to repeal Sections 11-98-5.1, 11-98-7.1, and 11-98-8, Code of Alabama 1975. *Act # 2012-293*

One Call – HB93 by Rep. Johnson (R) amends Section 37-15-5 of the Code of Alabama 1975, relating to the "One-Call Notification System" established for the purpose of receiving notifications by persons conducting excavations or demolitions on or near certain property where underground facilities may be located, to provide that underground facility operators who elect to conduct an in-house program to receive notifications in lieu of participating in the one-call notification system would be responsible under certain conditions for damages to its underground facilities. *Act # 2012-504*

Impersonation of a Public Servant – HB99 by Rep. Wood relating to crimes and offenses; to add Section 13A-10-132 to the Code of Alabama 1975, to make it a crime to impersonate a public servant or a peace officer in connection with sham legal process; to make it a crime to falsely assert the authority of state law in connection with sham legal process; to make it a crime to act, without authority, as a judge, magistrate, hearing officer, or any other authority with the authority to adjudicate the rights or interests of another, or to sign a document in this capacity as if it were authorized by state law; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

Act # 2012-283

Alcohol Employment Prohibition Deleted – HB101 by Rep. Jones To amend Section 28-3A-25, Code of Alabama 1975, relating to unlawful acts and offenses under the alcoholic beverage licensing code, 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. *Act # 2012-506*

Unemployment Benefits for Military Spouses – HB121 by Rep. Wren amends Section 25-4-78, Code of Alabama 1975, relating to unemployment benefits, to allow spouses of active duty members of the military who receive change of station orders, activation orders, or unit deployment orders to receive unemployment benefits if they voluntarily quit working in order to relocate. *Act # 2012-507*

Ethics – Filing Threshold – HB136 by Rep. McCutcheon amends Section 36-25-1, as amended by Act 2010-764 of the 2010 First Special Session and Section 36-25-14, Code of Alabama 1975, relating to ethics; to increase the threshold for filing a statement of economic interests and allow the commission to adjust the amount pursuant to the cost-of-living index and exempt employees who do not have the authority to expend public funds; and to provide that a public employee who is not required to file a statement of economic interests would be exempt from the gift exception in the ethics law. *Act # 2012-509*

Tax Abatements to Coal Industries – HB144 by Rep. Roberts amends Sections 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. *Act # 2012-054*

Tax Abatement for Data Processing Centers – HB154 by Rep. Williams (D) 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 thirty years and reduce the corresponding employment thresholds, provided that certain minimum capital investment requirements are met. *Act # 2012-210*

Fire Department Tax Exemption – HB185 by Rep. Laird 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, 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; provided no tax which has proceeds dedicated to K-12 public education may be exempted. *Act # 2012-544*

Fire Department Donations – HB186 by Rep. Laird amends Section 9-3-18 of the Code of Alabama 1975, authorizing the state, a county, a municipality or other governmental entity to donate money and property to volunteer fire departments and rescue squads, to further provide for the disposal of property donated under certain conditions. *Act # 2012-555*

Sales Tax Exemption – HB249 by Rep. Gaston exempts the Alabama Marine Corps League from the payment of all state, county, and municipal sales and use taxes. *Act # 2012-513*

Retirement – State Police – HB255 by Rep. Love amends Sections 36-21-4 and 36-27-1, Code of Alabama 1975, relating to retirement benefits for state policemen; to clarify that earnable compensation shall include amounts paid as overtime payments to those officers; to provide that the act is declaratory of existing law; to provide an effective date of September 1, 2011, and to allow contributions to be made not later than September 30, 2012, for any amounts not contributed after September 1, 2011. *Act # 2012-302*

Class 1 to 3 – Income Tax Credits – HB257 by Rep. Ison relating to Class 1, Class 2, and Class 3 municipalities; to establish a state income tax credit for investments in businesses in impoverished and low income communities within a downtown core area or central business district. *Act # 2012-438*

CA – Legislative Salaries – HB276 by Representative Ball (Constitutional Amendment) proposing 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; to provide for the basic compensation of members of the Legislature; and to provide for the reimbursement of expenses for legislators on the submission of signed vouchers in the same manner as state employees. *Act # 2012-269*

Cigar Wrapper Tax – HB277 by Representative Barton Relating to taxation of tobacco products; to add new Chapter 25B to Title 40 of the Code of Alabama 1975; to levy a tax on cigar wrappers; to require a business license; to require monthly reports; to provide penalties; to provide for distribution of proceeds; to provide for operation expenses. *Act # 2012-425*

Prescription Drug Sales Tax Exemption – HB307 by Representative Johnson, (R) specifies that the sale of insulin, insulin syringes, and related items to treat diabetes purchased pursuant to a valid prescription would be exempt from any state, county, and municipal sales and use taxes; and to provide for retroactive applications under certain conditions. *Act # 2012-309*

Wine Resealing – HB325 by Representative Collins adds Section 28-3A-20.1 to the Code of Alabama 1975, to authorize a bottle of wine that has been purchased and opened on the premises of an Alcoholic Beverage Control Board licensee to be removed from the premises by the purchaser provided the bottle of wine is resealed. *Act # 2012-315*

Looting Prohibited – HB340 by Representative Merrill creates the crime of looting; to provide penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended. *Act # 2012-316*

Storage Tanks Exempt from Alabama Uniform Environmental Covenants Act – HB341 by Representative Carns 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. *Act # 2012-317*

CA - Legislative Regulation of Corporations and Telephone Companies – HB357 by Representative DeMarco (Constitutional Amendment) Proposes an amendment to the Constitution of Alabama of 1901, to become effective January 1, 2014, relating to corporations; to amend Section 229, as amended by Amendment 27 of the Constitution of Alabama of 1901, now appearing as Section 229 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to the authority of the Legislature to pass general laws pertaining to corporations and other entities; to amend Section 239 of the Constitution of Alabama of 1901, now appearing as Section 239 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to telephone and telegraph companies; to amend Section 240 of the Constitution of Alabama of 1901, now appearing as Section 240 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to the ability of corporations to sue and be sued like natural persons; and to repeal Sections 230, 231, 232 as amended by Amendment 473, 233, 234, 236, 237, 243, 244, 245, and 246 of the Constitution of Alabama of 1901, now appearing as Sections 230, 231, 232, 233, 234, 236, 237, 243, 244, 245, and 246, respectively, of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to private corporations and railroads and canals. *Act # 2012-275*

CA - Legislative Regulation of Banks – HB358 by Representative DeMarco (Constitutional Amendment) Proposes an amendment to the Constitution of Alabama of 1901, to amend Section 247 now appearing as Section 247 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to the general power of the Legislature regarding banks and banking, effective January 1, 2014, to include in that section existing provisions concerning unlimited duration, prohibitions on political subdivisions being stockholders or lending credit, and bank examination requirements; and to repeal the following Sections of Article XIII, relating to banks and banking Section 248 of the Constitution of Alabama of 1901, now appearing as Section 248 of the Official Recompilation of the Constitution of Alabama of 1901, as amended; Section 249 of the Constitution of Alabama of 1901, now appearing as Section 249 of the Official Recompilation of the Constitution of Alabama of 1901, as amended; Section 251 of the Constitution of Alabama of 1901, now appearing as Section 251 of the Official Recompilation of the Constitution of Alabama of 1901, as amended; Section 252 of the Constitution of Alabama of 1901, now appearing as Section 252 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to maximum rate of interest; Section 253 of the Constitution of Alabama of 1901, now appearing as Section 253 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to state and political subdivisions not to be stockholders in banks or lend credit thereto; and Section 254 of the Constitution of Alabama of 1901, now appearing as Section 254 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to examinations of banks by public officers and semiannual reports by banks; to repeal Amendment 154 of the Constitution of Alabama of 1901, now appearing as Section 255.01 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, 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 Sections 10A-2-15.01 and 10A-2-15.02, Code of Alabama 1975, are repealed. *Act # 2012-276*

Flexible School Calendar Act – HB360 by Representative Davis establishes the Flexible School Calendar Act of 2012; to amend Section 16-13-231, Code of Alabama 1975, as amended by Act 2011-235, 2011 Regular Session (Acts 2011, p. **), relating to the public education Foundation Program Fund; to require each local board of education to establish a local calendar providing 180 full instructional days, or the hourly equivalent thereof, per school year for the computation of Foundation Program Fund benefits; to establish parameters for when academic instruction for students may begin and end in the public elementary and secondary schools of the state. *Act # 2012-482*

Over the Counter Drug Regulation – HB363 by Representative Galliher amends Sections 13A-12-260 and 20-2-190, Code of Alabama 1975; to add Section 20-2-190.2 to the Code of Alabama 1975; to further regulate the sale of over-the-counter products containing certain quantities of ephedrine or pseudoephedrine within certain periods of time; to enhance existing criminal penalties for violations and to provide additional criminal penalties; to revise the membership of the Alabama Drug Abuse Task Force and to require a report to the Legislature; to require the Alabama Criminal Justice Information Center to implement an electronic drug offender tracking system to catalogue all criminal convictions in this state and other states of persons with certain felony and misdemeanor convictions related to methamphetamine; to provide specific criminal penalties for certain uses of drug paraphernalia in violation of the controlled substances laws of this state. *Act # 2012-237*

Severance Taxes – HB364 by Representative Thomas amends Sections 40-13-53, 40-13-55, 40-13-56, 40-13-57, 40-13-58, and 40-13-61, Code of Alabama 1975, relating to the severance tax on certain materials; to require the Department of Revenue to provide the county commission of a county with certain tax records and information related to severance tax collections and payments from operators in the county and to require the information to be treated as confidential by the county commission; to authorize the county commission to request that the department conduct audits of certain operators subject to the severance tax and to provide for the county commission to pay the costs of the audit in the event the audit results in a finding that all taxes have been properly paid; and to require interest and penalties to be imposed on delinquent taxes and to provide for civil penalties. *Act # 2012-318*

Certificates of Need – HB370 by Representative McClurkin Relating to the State Health Plan and the issuance of a Certificate of Need (CON); to amend Section 22-21-275, Code of Alabama 1975, to amend the procedure for the granting or denial of an application for a Certificate of Need (CON) by eliminating the appeals of adverse final decisions by the CON Review Board to the Circuit Court of Montgomery County or the county wherein the applicant is situated or where the new institutional health service is to be located and instead provide for a direct appeal of the decisions to the Alabama Court of Civil Appeals; to place monetary limits on the administrative law judge fees and costs imposed by parties in a contested CON application; and to streamline the processing of contested cases. *Act # 2012-294*

Controlled Substance Distribution – HB376 by Representative Galliher creates the crime of possession of a controlled substance with intent to distribute; criminal penalties. *Act # 2012-393*

Health Insurance – Hazardous Duty – HB381 by Representative McCutcheon amends Section 36-29-19.7 of the Code of Alabama 1975, as amended by Act 2011-698 of the 2011 Regular Session, relating to the State Employees' Health Insurance Board retiree contribution based on years of service; to include the one year of hazardous duty time for every five years as a correctional officer awarded to each correctional officer under the Employees' Retirement System or the Teachers' Retirement System. *Act # 2012-394*

Technology Crimes – HB400 by Representative DeMarco provides for the crimes of computer tampering, encoded data fraud, phishing, electronic harassment, and cyberstalking; to provide for jurisdiction in the investigation and prosecution of certain computer crimes; to provide for forfeiture of certain computers used in a crime; to repeal Sections 13A-8-100, 13A-8-101, 13A-8-102, and 13A-8-103, Code of Alabama 1975. *Act # 2012-432*

Sales and Use Tax Exemption – Investment Metals – HB401 by Representative Ison amends Sections 40-23-4 and 40-23-62, Code of Alabama 1975, relating to sales and use tax exemptions; to provide certain metal held for investment purposes shall be exempt from the sales and use tax. *Act # 2012-395*

School Bonds – HB407 by Representative McCutcheon amends Sections 16-16A-2, 16-16A-7, and 16-16A-8, Code of Alabama 1975, to change the baseline date to January 1, 2006; to provide that the average salary or equivalent wage can be attributed to 2005 BRAC that is equal to or exceeding \$80,000; to remove the provision that a school district may not receive the proceeds of the bonds issued by the Public School and College Authority unless the district or political subdivision has experienced an increase in the sales tax rate; and to remove the provision that in order to qualify for bond proceeds, a local school system may redirect an existing tax not currently dedicated to schools to qualify for bonds. *Act # 2012-562*

Baldwin County Armed Forces Museum – HB409 by Representative Faust designates Baldwin County as the site of a future historical museum dedicated to the United States Armed Forces. *Act # 2012-521*

Boards of Education, Impeachment – HB431 by Representative Beech Relating to local boards of education; establishes the School Board Governance Improvement Act of 2012; to provide legislative intent; to require prospective board members to publicly affirm certain principles of educational governance; to specify the responsibilities of board members; to provide for the implementation of training and continuing education in boardmanship for all board members; to provide for certain sanctions to be imposed upon board members upon a finding that the action or inaction of a board member constitutes neglect of duty or willful misconduct; to require the State Board of Education and local boards of education to adopt a model code of conduct for board members; and to amend Sections 16-8-1 and 16-11-2, Code of Alabama 1975, relating to the qualifications of members of city and county boards of education. *Act # 2012-221*

Sales Tax Exemption - HB436 by Representative Poole exempts certain covered items from the state sales and use tax July 6-8, 2012 and the last full weekend of February in subsequent years; to authorize any county or city to exempt certain covered items from local sales and use taxes; and to prohibit a county or municipality from providing for a sales and use tax exemption during any period, other than July 6-8, 2012 and the last full weekend of February in subsequent years, that is not designated as a sales tax holiday. *Act # 2012-256*

Assurance Bonds – HB447 by Representatives Johnson, R 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, and/or used material to post a performance bond or other financial assurance in an amount sufficient to close the facility if the facility owner or operator ceases operation, abandons the facility or fails to properly maintain the facility to ensure compliance with state environmental regulations. *Act # 2012-551*

Weed Abatement (Class 6) - HB496 by Representative Hubbard, M. provides for the abatement of grass and weeds which become a nuisance under certain conditions; to provide for notice to the property owners; to provide for the assessment of the costs for abatement when the work is required to be performed by the municipality; and to provide for liens on the property under certain conditions. *Act # 2012-440*

Workers' Compensation – HB497 by Representative Shiver exempts independent contractors from the workers' compensation coverage & qualify sports officials as independent contractors. *Act # 2012-523*

Natural Disasters – HB505 by Representative Poole amends Act 2011-709 of the 2011 Regular Session, now appearing as Section 40-9B-13, Code of Alabama 1975, to provide further protection of tax abatements in the event of tornados or other natural disasters; and to provide retroactive effect. *Act # 2012-524*

Solid Waste Permits – HB556 by Rep. Baker keeps the current moratorium on issuance of new permits for solid waste landfill facilities until May 31, 2014. *Act # 2012-434*

Tax Incentives – HB599 by Rep. Scott establishes the Alabama Tourism Attraction Incentive Act by offering tax incentives and capital credits for certain approved tourism attractions. *Act # 2012-436*

Pesticides – HB601 by Rep. Fincher increases the fees for pesticide registration with the Department of Agriculture and Industries and would specify the use of the proceeds for the Pesticide Management Division of the department. *Act # 2012-403*

Local Government Commission – HB631 by Rep. Newton (C) relating to the management of certain public records by the State Records Commission and the Local Government Commission, so as to provide further for the membership of the commissions and their meetings days. *Act # 2012-532*

Professional Licenses – HB638 by Rep. Moore (B) expedites the issuance of licenses and to recognize those licenses obtained in other jurisdictions and to provide certain individual exemptions from licensing fees relating to professional licenses and certificates for spouses of active duty military personnel. *Act # 2012-533*

Farm to School Act – HB670 by Rep. Beech establishes the Farm-To-School Procurement Act to provide 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. This bill would also allow purchases of fresh food by a local board of education by the small purchase procedure as long as purchased with a total cost of less than one hundred thousand dollars (\$100,000). *Act # 2012-437*

Class 6 Nuisances – HB682 by Rep. Hubbard (J) provides for the abatement of weeds which become a nuisance under certain conditions; to provide for notice to the property owners; to provide for the assessment of costs for the abatement when the work is to be performed by the municipality; and to provide for liens on the property under certain conditions. *Act # 2012-366*

Court Cost Fees – HB688 by Rep. Hill increases the court fees in most civil, criminal, circuit, district and municipal court cases and increases bail bond fees. *Act # 2012-535*

Development Authorities – HB733 by Rep. Baker defines person for purposes of forming a commercial development authority to include a limited liability company or a partnership. This bill would remove the requirement that the authority be formed by not less than three natural persons. This bill would also remove the requirement that an incorporator of a commercial development authority be a qualified elector of the municipality where the authority is being formed. *Act # 2012-538*

Senate Bills of Interest to Municipal Governments Enacted During the 2012 Regular Legislative Session

Mandatory School Age - SB28 by Sen. Dunn amends Section 16-28-3, Code of Alabama 1975, relating to mandatory school attendance, to decrease the minimum age of children required to attend public school from seven to six years of age. *Act # 2012-375*

Roadside Utility Vehicles – SB80 by Sen. Brewbaker requires the driver of a motor vehicle to slow down or move over when approaching a utility service vehicle displaying any rotating or flashing lights and parked on the roadside performing utility services. *Act # 2012-409*

Disarming Officers – SB91 by Sen. Irons establishes the crime of disarming a law enforcement or corrections officer. *Act # 2012-369*

Class 1 – Election Commission – SB103 by Sen. Coleman relates to any Class 1 municipality and would reenact the law establishing an election commission to conduct municipal elections in the municipality with a provision to provide for alternate members when the mayor and all members of the city council are candidates for election in a municipal election. *Act # 2012-222*

Class 1 – Mayor-Council – SB104 by Sen. Coleman relates to any Class municipality and would further provide for the Mayor-Council form of government. *Act # 2012-223*

Road Contractor Liability – SB139 by Sen. Scofield provides that the liability and responsibility of a contractor or subcontractor and its officers, directors, agents, and employees performing highway, road, or street repairs, construction or maintenance on behalf of the state, any county, or any local government for damages arising from the construction project or roadway conditions shall cease upon the acceptance by the Alabama Department of Transportation, such county, or such local government of such highway, road, or street project as being in substantial compliance with the contract documents, plans, and specifications governing the project. *Act # 2012-225*

Blue Light Alert System – SB180 by Sen. Scofield creates the Blue Alert to notify certain participants in the system when a suspect of a crime involving the death or serious injury of a peace officer has not been apprehended and law enforcement personnel have determined that the suspect may be a serious threat to the public or when a peace officer becomes missing while in the line of duty under circumstances warranting concern for the safety of the peace officer. *Act # 2012-178*

Physical Exam of Bus Drivers – SB191 by Sen. Marsh relating to public K-12 education; to establish the Lieutenant Dexter Holcomb Act; and to add Section 16-27-4.1 to the Code of Alabama 1975, to require any person employed as a school bus driver to successfully complete a physical examination by a licensed physician. *Act # 2012-372*

Class 3 – Housing Authority Eminent Domain – SB205 by Sen. Orr provides that a public housing authority in certain Class 3 municipalities may exercise the power of eminent domain only with the approval of the governing body of the municipality. This bill would authorize a municipal public housing authority in certain Class 3 municipalities to purchase property for public housing purposes after notice to certain surrounding property owners. This bill would provide that notice would be given by first class mail. *Act # 2012-411*

Retirement – Forfeiture of Benefits – SB213 by Sen. Orr provides that persons would forfeit the employer-paid portion and the interest or gains on the employer-paid portion of his or her retirement benefits upon a guilty plea, a plea of no contest, or a final conviction of a felony offense related to the performance of his or her duties of office in Alabama. *Act # 2012-412*

Ad Valorem – Reporting Purchase Price – SB216 by Sen. Irons amends Section 40-22-1, Code of Alabama 1975, to require that a person presenting a deed, bill of sale, or other instrument conveying any real or personal property within this state or any interest in any such property to the judge of probate for recording shall present proof of the actual purchase price of property or actual value of the property, and that if such proof is not presented, the privilege or license tax will be based upon the assessed value of the property and the person failing to submit the required proof shall be subject to monetary penalties for failure to comply with the law. *Act # 2012-494*

Extraterritorial Subdivision Control – SB236 by Sen. Sanford amends Sections 11-52-1, 11-52-30, 11-52-31, 11-52-32, and 11-52-33, Code of Alabama 1975, to provide for the county commission to be responsible for the development of subdivisions in the extraterritorial jurisdiction of a municipal planning commission if the county has adopted subdivision regulations unless 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 unless the municipality and the municipal planning commission under certain conditions specifically vote to override the county's exercise of jurisdiction; to provide that when the municipal planning commission is responsible for the development of subdivisions, the county engineer would certify the plats and maps for filing once approved by the municipal planning commission; and to repeal Sections 11-24-5 and 11-52-36, Code of Alabama 1975. *Act # 2012-297*

Beer Containers – SB294 by Sen. Sanford amends Section 28-3A-23, Code of Alabama 1975, relating to the size of containers of beer sold at retail; to allow beer to be sold in containers not to exceed 25.4 ounces. *Act # 2012-468*

Incorporation Validation (League Bill) – SB297 by Senator Waggoner amends Section 11-41-8 of the Code of Alabama 1975, to further provide for the validation of any prior incorporations of municipalities. *Act # 2012-375*

Abandoned Vehicles – SB298 by Senator Holley amends Sections 32-13-1 and 32-13-2 of the 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 or is injured or the motor vehicle otherwise needs to be removed from a public street or highway. *Act # 2012-227*

Unemployment Comp Benefits – SB300 by Senator Pittman amends Section 25-4-73 of the Code of Alabama 1975, relating to individual weekly unemployment benefit payments, to further define compensable week. *Act # 2012-299*

Trespassers – Duty of Care – SB342 by Senator Williams Relating to trespassers; to add Section 6-5-345 to the Code of Alabama 1975, to codify case law relating to the duty of care that an owner of real property owes to certain trespassers on his or her property. *Act # 2012-300*

Leave Donation - SB376 by Senator Marsh amends Sections 16-1-18.1, 36-26-35.2, 36-26-36, and 36-26-36.2 of the Code of Alabama 1975, relating to donations of leave; to provide further for the donation of leave; and to provide further for the accumulation of sick leave for purposes of retirement. *Act # 2012-376*

Pharmacy Standards – SB383 by Senator Bussman Relating to audits of pharmacy records; to establish minimum and uniform standards and criteria for the audit of pharmacy records by or on behalf of certain entities; to prescribe the procedures for conducting an audit; to provide for an appeal process; and to provide that an entity conducting an audit may not use the accounting practice of extrapolation in calculating recoupments or penalties for audits. *Act # 2012-306*

RSA Retirement – SB388 by Senator Orr establishes a new defined benefit retirement plan for any public employee who is first hired on or after January 1, 2013, by an employer who participates in the Teachers' Retirement System or the Employees' Retirement System. *Act # 2012-377*

County Roads - SB409 by Senator Whatley specifies that a county commission may adopt a uniform notice requirement for timber owners prior to utilizing county roads in conjunction with their timber harvesting operations. The failure to comply with the notice requirement would be punishable by a civil fine for each violation. The bill would prohibit any other notice, permit, license, or security to use public roads in the county with respect to timber owners. *Act # 2012-257*

Environmental Policies – SB477 by Senator Dial prohibits the State of Alabama 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. *Act # 2012-598*

Elections Reporting – SB497 by Senator Orr amends campaign finance reporting requirements to eliminate duplicate or multiple filings for certain time periods previously reported. *Act # 2012-477*