HB40

165421-3

By Representatives Pringle, Lee, Poole, Brown, Wood, Boothe, Hubbard, Weaver, Harper, Hill (M), Tuggle, Moore (B), Greer, McMillan, Sessions, Ball, Baker, Davis, Rowe, Holmes (M), Chesteen, Farley, Clouse, Ingram, Sells, Butler, Rich, Fridy, Hill (J), Garrett, Faulkner, Martin, Williams (JW), McCutcheon, Ledbetter, Wilcox, Hanes, Henry and Pettus

RFD: State Government

First Read: 03-MAR-15

PFD: 02/18/2015
ENROLLED, An Act,

Relating to the Code of Alabama 1975; to repeal Sections 2-2-110 to 2-2-114, inclusive, 2-17-26, 3-1-20, 3-1-23 to 3-1-25, inclusive, 5-14A-1 to 5-14A-8, inclusive, 5-16-1 to 5-16-53, inclusive, 9-2-16, 9-11-52, 9-11-235.1, 9-11-247 to 9-11-249, inclusive, 9-11-262, 9-11-306, 9-12-2, 9-12-45, 9-12-112, 11-47-12, 12-21-92, 13A-11-222 and 13A-11-223, 13A-12-1, 13A-12-5, 13A-12-2, 13A-14-3, 14-1-8 to 14-1-11, inclusive, 14-1-13, 14-3-1, 14-3-6 to 14-3-8, inclusive, 14-3-11, 14-3-33, 14-3-39, 14-3-41, 14-3-42, 14-3-46, 14-3-48, 14-3-49, 14-3-50 to 14-3-53, inclusive, 14-3-56, 14-3-59, 14-3-60, 14-4-1, 14-4-3, 14-4-7, 14-4-8, 14-5-7, 14-5-9, 14-5-30 to 14-5-37, inclusive, 14-6-60 to 14-6-62, inclusive, 14-6-81 to 14-6-85, inclusive, 14-6-86 to 14-6-92, inclusive, 14-6-98, 14-6-100 to 14-6-102, inclusive, 14-6-105 to 14-6-108, inclusive, 14-8-33, 14-9-3, 14-10-3, 14-11-1 to 14-11-3, inclusive, 14-11-5, 15-4-11, 16-6-1 to 16-6-6, inclusive, 16-15-1 to 16-15-13, inclusive, 16-17-1 to 16-17-19, inclusive, 16-29-1 to 16-29-6, inclusive, 16-60-210 to 16-60-221, inclusive, 20-1-28 to 20-1-30, inclusive, 21-3-4 to 21-3-8, inclusive, 22-13-1, 22-6-5.1, 22-52-70 to 22-52-72, inclusive, 22-52-50 to 22-52-58, inclusive, 25-1-2, 27-1-8, 27-1-9, 27-26-20 to 27-26-43, inclusive, 28-3-17, 30-1-3, 30-2-12, 30-4-3, 31-9-7, 32-4-3, 32-4-4, 34-6-6, 34-6-9,
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following sections of the Code of Alabama 1975, are repealed:


(3) Section 3-1-20, Code of Alabama 1975, relating to sale or purchase of animals or fowl after dark.

(4) Sections 3-1-23 to 3-1-25, inclusive, Code of Alabama 1975, relating to the burning of the teeth of a horse, mule, etc.

(5) Sections 5-14A-1 to 5-14A-8, inclusive, Code of Alabama 1975, relating to the Regional Reciprocal Savings Institutions, which are no longer licensed in this state.
(6) Sections 5-16-1 to 5-16-53, inclusive, Code of Alabama 1975, relating to savings and loan associations, which are no longer licensed in this state.

(7) Section 9-2-16, Code of Alabama 1975, relating to the Director of Irrigation.


(9) Section 9-11-235.1, Code of Alabama 1975, relating to hunting raccoons or opossums at night.


(13) Section 9-12-2, Code of Alabama 1975, relating to use of posse comitatus to assist a sheriff.

(14) Section 9-12-45, Code of Alabama 1975, relating to tax on terrapins caught for commercial purposes.

(15) Section 9-12-112, Code of Alabama 1975, relating to the killing of garfish.

(16) Section 11-47-12, Code of Alabama 1975, relating to storage facilities for gunpowder.
(17) Section 12-21-92, Code of Alabama 1975, relating to publishing of foreign interest rates by the Secretary of State.


(19) Sections 13A-12-1 and 13A-12-2, Code of Alabama 1975, relating to certain acts on Sunday.

(20) Section 13A-14-3, Code of Alabama 1975, relating to marathons and similar contests.

(21) Section 13A-12-5, Code of Alabama 1975, relating to the crime of bear wrestling and the holding of bear wrestling matches.

(22) Sections 14-1-8 to 14-1-11, inclusive, Code of Alabama 1975, relating to the Alabama Board of Corrections.

(23) Section 14-1-13, Code of Alabama 1975, relating to the annual report to the Governor and Legislature by the Board of Corrections.

(24) Section 14-3-1, Code of Alabama 1975, relating to the duties of the Board of Corrections.

(25) Sections 14-3-6 to 14-3-8, inclusive, Code of Alabama 1975, relating to the handling of records, correspondence, and other public documents by the Board of Corrections.

(26) Section 14-3-11, Code of Alabama 1975, relating to reports to the Legislature by the Board of Corrections.
(27) Section 14-3-33, Code of Alabama 1975, relating to delivery of convicts by the sheriff.


(29) Section 14-3-41, Code of Alabama 1975, relating to the separation of convicts suffering from tuberculosis.

(30) Section 14-3-42, Code of Alabama 1975, relating to removal of convicts that are insane.

(31) Section 14-3-46, Code of Alabama 1975, relating to the purchase of Bibles for convicts.

(32) Section 14-3-48, Code of Alabama 1975, relating to inmates working on Sundays and holidays.

(33) Section 14-3-49, Code of Alabama 1975, allowing inmates to work for themselves upon approval of the Board of Corrections.

(34) Sections 14-3-50 to 14-3-53, inclusive, Code of Alabama 1975, relating to confinement cells and punishment guidelines.

(35) Section 14-3-56, Code of Alabama 1975, relating to crimes committed by inmates while incarcerated and the availability of bail.

(36) Section 14-3-59, Code of Alabama 1975, relating to posting of regulations regarding escape in prisons.

(37) Section 14-3-60, Code of Alabama 1975, relating to the prohibition of liquor on prison grounds.
(38) Section 14-4-1, Code of Alabama 1975, relating to the application of state laws to county convicts.

(39) Section 14-4-3, Code of Alabama 1975, relating to maintenance of records regarding county convicts by the Board of Corrections.

(40) Section 14-4-7, Code of Alabama 1975, relating to work by women inmates on public highways.

(41) Section 14-4-8, Code of Alabama 1975, relating to meals for inmates at noon.

(42) Section 14-5-7, Code of Alabama 1975, relating to work on drains and levees by state convicts.

(43) Section 14-5-9, Code of Alabama 1975, relating to agreements to allow inmates to work on drains and levees.

(44) Sections 14-5-30 to 14-5-37, inclusive, Code of Alabama 1975, relating to the creation of manual labor work camps.

(45) Sections 14-6-60 to 14-6-62, inclusive, Code of Alabama 1975, relating to patients with tuberculosis and state hospitals.

(46) Sections 14-6-81 to 14-6-85, inclusive, Code of Alabama 1975, relating to the inspection of county jails by the Board of Corrections and condemnation of a jail by the Board of Corrections.
(47) Sections 14-6-86 to 14-6-92, inclusive, Code of Alabama 1975, relating to sanitation requirements of municipal and county jails and enforcement by the Board of Corrections.

(48) Section 14-6-98, Code of Alabama 1975, requiring sheriffs to provide monthly inmate reports to the Board of Corrections.

(49) Sections 14-6-100 to 14-6-102, inclusive, Code of Alabama 1975, relating to grand jury reports regarding inspection of jails and report to the Board of Corrections.

(50) Sections 14-6-105 to 14-6-108, inclusive, Code of Alabama 1975, relating to night watchmen at prisons, a determination of necessity by the Board of Corrections, and inspection of insane asylums by the Board of Corrections.

(51) Section 14-8-33, Code of Alabama 1975, adoption of rules limiting confinement of inmates by a county.

(52) Section 14-9-3, Code of Alabama 1975, relating to inmate donations of blood.

(53) Section 14-10-3, Code of Alabama 1975, relating to criminal penalty for wrongful discharge of inmate by public official.

(54) Sections 14-11-1 to 14-11-3, inclusive, Code of Alabama 1975, relating to criminal penalties for overworking an inmate, unlawful detainment of an inmate, and failing to appear as a witness when called by the Board of Corrections.

(56) Section 15-4-11, Code of Alabama 1975, relating to fees for autopsies and examinations.

(57) Sections 16-6-1 to 16-6-6, inclusive, Code of Alabama 1975, relating to the Alabama Education Study Commission.


(59) Sections 16-17-1 to 16-17-19, inclusive, Code of Alabama 1975, relating to education building authorities.

(60) (59) Sections 16-29-1 to 16-29-6, inclusive, Code of Alabama 1975, relating to mental and physical examinations of school children.

(61) (60) Sections 16-60-210 to 16-60-221, inclusive, Code of Alabama 1975, relating to Alabama School of Trades.

(62) (61) Sections 20-1-28 to 20-1-30, inclusive, Code of Alabama 1975, relating to regulations governing soft drinks colored with coal tar or artificial sweeteners, certain citrus fruits and artificially colored potatoes, which are no longer enforced.
Sections 21-3-4 to 21-3-8, inclusive, Code of Alabama 1975, relating to health officers compiling lists of children with malformations.

Section 22-6-5.1, Code of Alabama 1975, relating to the collection of nursing home patients' income by tax collector.

Section 22-13-1, Code of Alabama 1975, relating to care and treatment of indigent persons with cancer.

Sections 22-52-50 to 22-52-58, inclusive, Code of Alabama 1975, relating to mentally retarded persons admitted into state institutions.

Sections 22-52-70 to 22-52-72, inclusive, Code of Alabama 1975, relating to commitment of mentally ill prisoners, which is processed through interagency agreements.

Section 25-1-2, Code of Alabama 1975, relating to separate bathrooms for women.

Sections 27-1-8 and 27-1-9, Code of Alabama 1975, relating to life insurance company investments, which are superseded by the Investment Act.

Sections 27-26-20 to 27-26-43, inclusive, Code of Alabama 1975, relating to the Medical Liability Joint Underwriting Association, which were never put into practice and are no longer necessary due to the licensure of the Mutual Assurance Society.
Section 28-3-17, Code of Alabama 1975, relating to the location of state liquor stores, which has been ruled unconstitutional.

Section 30-1-3, Code of Alabama 1975, relating to incestuous marriages.

Section 30-2-12, Code of Alabama 1975, relating to divorce for pregnancy of wife at the time of marriage.

Section 30-4-3, Code of Alabama 1975, relating to clothes of wife separate from husband.

Section 31-9-7, Code of Alabama 1975, relating to Interstate aid agreements and compacts, which is covered by another section of the Code of Alabama 1975.


Sections 32-14-1 to 32-14-6, inclusive, and 32-14-20 to 32-14-24, inclusive, Code of Alabama 1975, relating to licensure of driver training schools, which the State Superintendent of Education no longer issues.

Section 34-6-6, Code of Alabama 1975, relating to curtains and blinds required for pool halls.

Section 34-6-9, Code of Alabama 1975, relating to persons under 19 prohibited from entering pool hall.
Section 34-6-14, Code of Alabama 1975, relating to betting in pool halls and bowling alleys.

Section 37-8-160, Code of Alabama 1975, relating to the drinking of liquor on trains.

Section 37-8-213, Code of Alabama 1975, relating to refusal to yield a telephone party line in an emergency.

Sections 40-12-76 and 40-12-77, Code of Alabama 1975, relating to coal and coke dealers.

Sections 40-12-85 and 40-12-86, Code of Alabama 1975, relating to cotton licenses.

Section 40-12-95, Code of Alabama 1975, relating to devices used for testing skill and strength.

Section 40-12-109, Code of Alabama 1975, relating to hat cleaning establishment licenses.

Section 40-12-119, Code of Alabama 1975, relating to Legerdemain and sleight of hand license.

Section 40-12-120, Code of Alabama 1975, relating to lightning rod license tax.

Section 40-12-132, Code of Alabama 1975, relating to moving picture shows.

Section 40-12-142, Code of Alabama 1975, relating to pig iron storage operators license, due to the issuance of no licenses.
Section 40-12-164, Code of Alabama 1975, relating to supply cars license, due to the issuance of no licenses.

Section 40-12-170, Code of Alabama 1975, relating to trading stamps license.

Section 40-12-173, Code of Alabama 1975, relating to theatrical and vaudeville shows license.

Section 40-12-175, Code of Alabama 1975, relating to turpentine and resin license.

Section 40-12-423, Code of Alabama 1975, relating to returning license plates from dismantled cars to the Department of Revenue.

Section 40-20-14, Code of Alabama 1975, relating to tax credits for direct reduced iron.


Section 41-9-220, Code of Alabama 1975, relating to the University of Alabama Gorgas Memorial Board.
Sections 41-9-900 to 41-9-906, inclusive, relating to the Alabama Insurance Board, due to inactivity of the board.

Section 2. (a) For fiscal years 2017, 2018, and 2019, supervision and inspection fees for telecommunications carriers subject to Section 37-2A-10(1), (2), or (4), Code of Alabama 1975, shall be reduced in three equal installments representing, in total, the difference in fees paid by a carrier in fiscal year 2015 and the amount of fees calculated pursuant to Section 37-2-41, Code of Alabama 1975, for fiscal year 2015. For fiscal year 2020 and subsequent years, fees for telecommunications carriers subject to Chapter 2A, Title 37, Code of Alabama 1975, shall be paid pursuant to the formula contained in Section 37-2-41, Code of Alabama 1975.

(b) Effective October 1, 2019, Section 37-2A-10, relating to supervision and inspection fees, is repealed.

Section 3. The Code Commissioner shall identify any board, commission, council, task force, or similar entity that is defunct or has been inactive by not holding a meeting within the last four years of the effective date of this act and report the list of such entities to the Speaker of the House of Representatives and the President Pro Tempore of the Senate on or before January 1, 2016, for consideration of a repeal of any law or resolution granting authority to such board, commission, council, task force, or similar entity.
Section 4. The provisions of this act are severable.

If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. Subdivisions (83) through (94) through (93), inclusive, of Section 1 shall become effective on October 1, 2015. Section 2 shall become effective immediately and shall apply as provided in that section. The remaining portions of the act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.
Speaker of the House of Representatives

President and Presiding Officer of the Senate

I hereby certify that the within Act originated in and was passed by the House 11-MAR-15, as amended.

Jeff Woodard
Clerk

Amended and Passed
Concurred in Senate Amendment

House July 15
Senate 14-APR-15
House 16-APR-15