

1 SB134  
2 209488-1  
3 By Senator Holley  
4 RFD: Governmental Affairs  
5 First Read: 02-FEB-21

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8       SYNOPSIS:               Under existing law, the general and  
9                               permanent laws of the State of Alabama enacted  
10                              subsequent to the adoption and enactment of the  
11                              Code of Alabama 1975, including acts of the 1976  
12                              Regular Session of the Legislature through the 2018  
13                              Regular Session as contained in the respective  
14                              annual cumulative supplements and replacement  
15                              volumes to the code, have been adopted and  
16                              incorporated in a continuous and systematic manner  
17                              into the Code of Alabama 1975.

18                              This bill would adopt and incorporate into  
19                              the Code of Alabama 1975, those general and  
20                              permanent laws of the state enacted during the 2019  
21                              First Special Session and the 2019 Regular Session  
22                              as contained in the 2019 Cumulative Supplement to  
23                              certain volumes of the code and 2019 Replacement  
24                              Volumes 18, 18A, and 22 and the 2020 Regular  
25                              Session as contained in the 2020 Cumulative  
26                              Supplement to certain volumes of the code.

1                   This bill would initially adopt and  
2                   incorporate into the Code of Alabama 1975, Volume  
3                   22L, Local Laws Marshall to Mobile Counties.

4                   This bill would adopt and incorporate into  
5                   the Code of Alabama 1975, the 2019 and 2020  
6                   supplements to local law volumes.

7                   This bill would make certain corrections to  
8                   the replacement volumes and volumes of the  
9                   cumulative supplements.

10                  This bill would specify that this adoption  
11                  and incorporation constitutes a continuous  
12                  systematic codification of the entire Code of  
13                  Alabama 1975, and would expressly provide that this  
14                  act does not affect 2021 session statutes.

15                  This bill would also specify the duties of  
16                  the Secretary of State regarding the custody of  
17                  these cumulative supplements and replacement  
18                  volumes.

19  
20                                   A BILL  
21                                   TO BE ENTITLED  
22                                   AN ACT

23  
24                   To adopt and incorporate into the Code of Alabama  
25                   1975, those general and permanent laws of the state enacted  
26                   during the 2019 First Special Session and the 2019 Regular  
27                   Session as contained in the 2019 Cumulative Supplement to

1 certain volumes of the code and 2019 Replacement Volumes 18,  
2 18A, and 22 and the 2020 Regular Session as contained in the  
3 2020 Cumulative Supplement to certain volumes of the code; to  
4 initially adopt and incorporate into the Code of Alabama 1975,  
5 2019 Volume 22L, Local Laws Marshall to Mobile Counties, and  
6 to adopt and incorporate into the Code of Alabama 1975, 2019  
7 and 2020 Cumulative Supplements to local law volumes; to make  
8 certain corrections in the replacement volumes and certain  
9 volumes of the cumulative supplements; to specify that this  
10 adoption and incorporation constitute a continuous systematic  
11 codification of the entire Code of Alabama 1975, and that this  
12 act is a law that adopts a code; to declare that the Code  
13 Publisher has certified it has discharged its duties regarding  
14 the replacement volumes; to expressly provide that this act  
15 does not affect any 2021 session statutes; and to specify the  
16 duties of the Secretary of State regarding the custody of  
17 these cumulative supplements and replacement volumes.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) (1) Those general and permanent laws  
20 of the state enacted during the 2019 First Special Session and  
21 the 2019 Regular Session as contained in the 2019 Cumulative  
22 Supplements to Volumes 3 to 17B, inclusive, Volumes 19 to 21A,  
23 inclusive, Volume 22A, and the 2019 Replacement Volumes 18,  
24 18A, and 22, and the additions and deletions made by the Code  
25 Commissioner for editorial purposes, as edited and published  
26 by Thomson Reuters, as the Code Publisher, which volumes of  
27 the 2019 Cumulative Supplement and 2019 Replacement Volumes

1 are identified and authenticated by the Great Seal of the  
2 State of Alabama placed upon the front and back of each of the  
3 volumes of the cumulative supplements and upon the first  
4 inside page and the last inside page of the replacement  
5 volumes, are adopted and incorporated into the Code of Alabama  
6 1975.

7 (2) Those general and permanent laws of the state  
8 enacted during the 2020 Regular Session as contained in the  
9 2020 Cumulative Supplements to Volumes 3 to 22A, inclusive,  
10 and the additions and deletions made by the Code Commissioner  
11 for editorial purposes, as edited and published by Thomson  
12 Reuters, as the Code Publisher, which volumes of the 2020  
13 Cumulative Supplement and 2020 Replacement Volumes are  
14 identified and authenticated by the Great Seal of the State of  
15 Alabama placed upon the front and back of each of the volumes  
16 of the cumulative supplements and upon the first inside page  
17 and the last inside page of the replacement volumes, are  
18 adopted and incorporated into the Code of Alabama 1975.

19 (b) The following corrections are made:

20 (1) Section 16-6G-7, 2020 Cumulative Supplement to  
21 Volume 13, page 119. To correct a manifest typographical  
22 error, in the second sentence of subsection (a), replace  
23 "three members" with "four members"

24 (2) Section 34-23-77, 2020 Replacement Volume 18A,  
25 page 74. To correctly reference the licensing entity for  
26 physicians, in subsection (a), replace "the State Board of  
27 Medical Examiners" with "the Medical Licensure Commission"

1                   (3) Section 37-11C-4, 2020 Cumulative Supplement to  
2 Volume 20, page 39. To correct a manifest typographical error,  
3 in subdivision (f) (2), replace "Commissioner of Revenue" with  
4 "Department of Commerce"

5                   (4) Section 45-22-243.08, 2009 Initial Volume 22E,  
6 pages 366 and 367. To correct a scrivener's error that  
7 occurred in the initial codification of this section and  
8 resulted in the erroneous codification of amendatory language  
9 from Acts 89-476 and 89-670 into this section, beginning with  
10 the fifth sentence, delete all of the following language:

11                   "It shall be the duty of the Comptroller to issue  
12 his or her warrant each month payable to the custodian of the  
13 public school funds of Cullman County, in his or her official  
14 capacity, in an amount equal to the amount so certified by the  
15 commissioner of revenue as having been collected for the use  
16 of the county. The custodian of public school funds for  
17 Cullman County shall deposit the revenue derived from the  
18 taxes levied herein into the general fund of the Cullman  
19 County school system. The net proceeds derived from the taxes  
20 levied by this subpart shall be distributed as follows: The  
21 custodian of public school funds shall pay annually to the  
22 governing body of Cullman County and to the City of Cullman  
23 each the sum of twelve thousand five hundred dollars (\$12,500)  
24 which shall be payable at the rate of one thousand dollars  
25 (\$1,000) per month for 11 months and one thousand five hundred  
26 dollars (\$1,500) for the twelfth month. Funds payable to the  
27 county governing body shall be paid into the county general

1 fund and funds payable to the City of Cullman shall be paid to  
2 the city treasurer. Such funds shall be kept separate and  
3 apart from other funds and shall be used exclusively for the  
4 purpose of promoting industrial development or for  
5 recreational purposes. Exclusive of the twenty-five thousand  
6 dollars (\$25,000) heretofore allocated to the county governing  
7 body of Cullman County and the City of Cullman to be used for  
8 the purpose of promoting industrial development or for  
9 recreational purposes, the remaining proceeds shall be divided  
10 as follows: Sixty percent to the Board of Education of Cullman  
11 County and 40 percent to the City of Cullman payable on a  
12 monthly basis. The board of education's share of the proceeds  
13 shall be used exclusively for educational purposes, including  
14 transportation, capital outlay, maintenance and up-keep of  
15 buildings, and current expenses other than teachers salaries.  
16 The city's share of the proceeds other than that specifically  
17 allocated by this subpart for the promotion of industrial  
18 development and for recreational purposes shall be used for  
19 general municipal purposes."

20 In place of the deleted language, insert the  
21 following language:

22 "It shall be the duty of the Comptroller to issue a  
23 warrant each month payable to the county treasurer in his or  
24 her official capacity in an amount equal to the amount so  
25 certified by the Commissioner of the Department of Revenue as  
26 having been collected for the use of the county."

1           (5) Section 45-31-122, 2020 Cumulative Supplement to  
2 Volume 22G, page 76. To correct a grammatical error, replace  
3 "is" with "are"

4           Section 2. Those local and permanent laws of the  
5 state previously enacted and contained in the local and  
6 permanent laws pertaining to various counties enacted during  
7 the 2019 First Special Session, the 2019 Regular Session, and  
8 the 2020 Regular Session as contained in initial Volume 22L,  
9 Local Laws Marshall to Mobile Counties, and the 2019 and 2020  
10 Cumulative Supplements to Volumes 22B, 22C, 22D, 22E, 22F,  
11 22G, 22H, 22I, 22J, and 22K, and the additions and deletions  
12 made by the Code Commissioner for editorial purposes, as  
13 edited and published by Thomson Reuters, as the Code  
14 Publisher, which volumes of the 2019 Cumulative Supplement and  
15 the 2020 Cumulative Supplement are identified and  
16 authenticated by the Great Seal of the State of Alabama placed  
17 upon the front and back of each of the volumes of the  
18 cumulative supplements, are adopted and incorporated into the  
19 Code of Alabama 1975.

20           Section 3. The adoption and incorporation of the  
21 supplements and replacement volumes specified in this act  
22 shall constitute a continuous systematic codification of the  
23 entire Code of Alabama 1975, for purposes of Section 85 of the  
24 Official Recompilation of the Constitution of Alabama of 1901,  
25 as amended. This act is a law that adopts a code for the  
26 purposes of Section 45 of the Official Recompilation of the  
27 Constitution of Alabama of 1901, as amended. Notwithstanding



1 the foregoing, nothing in this act shall be deemed to codify  
2 any provision of law that was adopted in violation of any  
3 provision of the Constitution of Alabama of 1901, establishing  
4 requirements for, or limitations on, the enactment of a law.

5 Section 4. It is declared that Thomson Reuters, as  
6 the Code Publisher, has certified that it has discharged its  
7 duties and responsibilities to edit and publish 2019  
8 Replacement Volumes 18, 18A, and 22 of the Code of Alabama  
9 1975, by combining the material in the previous bound volumes  
10 with the material contained in the cumulative supplements  
11 without making substantive changes, but making, under the  
12 supervision and pursuant to the direction of the Code  
13 Commissioner, nonsubstantive changes and corrections as may  
14 have resulted from changes in reference numbers, changes of  
15 names and titles of governmental departments, agencies, and  
16 officers, typographical errors, grammatical changes, and  
17 misspellings.

18 Section 5. The adoption of this act shall not  
19 repeal, supersede, amend, or in any other way affect any  
20 statute enacted into law during any 2021 session of the  
21 Legislature.

22 Section 6. Upon passage and approval of this act,  
23 the duly authenticated volumes of the 2019 Cumulative  
24 Supplements and the 2019 Replacement Volumes and the 2020  
25 Cumulative Supplements shall be transmitted to the Secretary  
26 of State, who shall file the volumes of the supplements and  
27 the replacement volumes in that office. The volumes of the

1 supplements and replacement volumes shall not be removed from  
2 the office of the Secretary of State, but the Secretary of  
3 State, upon request, under proper certificate and seal of that  
4 office, shall certify any part or parts thereof upon payment  
5 of the fee specified by law for similar services.

6 Section 7. This act shall become effective  
7 immediately following its passage and approval by the  
8 Governor, or its otherwise becoming law.