

General Revenue Related Acts 2015 Regular Session

Act 2015-003 (SB 45)

Creates Alabama School Choice and Student Opportunity Act; Creates Alabama Public Charter School Commission

This act creates the Alabama School Choice and Student Opportunity Act and sets up an Alabama Public Charter School Commission; grants authority to provide membership powers, duties and liabilities of the commission; sets up the application process for establishing public and conversion charter schools, administering terms contracts and preopening requirements and conditions for charter schools; provides for accountability and autonomy of public charter schools; provides for funding; provides for facilities.

Effective Date: March 19, 2015

Act 2015-024 (HB 59)

Enacts the Alabama Reinvestment and Abatements Act

This act enacts the Alabama Reinvestment and Abatements Act; extends the abatement period to 20 years; provides for sales and use, property and utility tax abatements in addition to certain AIDT training; any project that has not entered into a project agreement with the Governor for any other tax incentives, meeting a qualifying business activity and making a \$2M investment as part of any addition, expansion, improvement, renovation, re-opening, rehabilitation, or replacement of any equipment can receive an abatement of: a) sales and use tax for the constructing and equipping of a qualifying project, including capitalized repairs, rebuilds, maintenance and replacement equipment, which are currently not allowed under Section 40-9B tax abatement incentives, and b) property tax abatements on the increase in the state property taxes and the local non-educational property taxes owed from the current tax year over the property taxes owed from the tax year immediately before the qualifying project is placed in service on all qualifying expenditures, including capitalized repairs, rebuilds, maintenance and replacement equipment, which are currently not allowed under Section 40-9B tax abatement incentive; each taxing agency must consent to abate their own tax by resolution. The county and/or city may allow a public industrial authority to abate their taxes by resolution for such consent on their behalf; a qualifying project can also receive a refund up to 10 years for the increase in utility taxes (electricity, gas, telephone, water) paid in the incentive year over the average utility taxes paid during the three tax years immediately before the qualifying project was placed in service provided the Governor approves the incentive; to receive the refund, the incentivized company will be required to submit documentation for utility taxes paid during the year; once certified, Commerce will notify ADOR and ADOR will have to calculate the refund and issue it to the company; requires the local granting authority to divide any payment, contribution or other financial or in-kind award related to the abatement that is received from the private user to all parties whose taxes were abated in relation to the taxes abated; the property tax abatement will be void after a private user ceases operations for 6 months.

Effective Date: June 24, 2015 (90 days from enactment date of March 26, 2015)

Act 2015-027 (HB 58)

Enacts the Alabama Jobs Act

This act enacts the Alabama Jobs Act; creates a new Article 16 of Chapter 18 of Title 40; amends Sections 40-21-87 and 40-21-107; repeals Articles 7, 7A and 9 of Chapter 18 of Title 40; provides a jobs tax credit and/or an investment tax credit to incentivized companies that have entered into a project agreement with the Governor; the jobs act incentives (both jobs credit and investment credit) are discretionary and the Department of Commerce is the administrative agency; state docks credit and the tariff credit (Articles 7, 7A, 9) will be repealed, but all approved projects will be grandfathered in; the jobs credit is not allowed to any company that has been approved and receiving incentives under Articles 7, 7A, or 9; qualified companies must be deemed an approved company by Commerce and the Governor; qualified projects must have activities that fall under the activities listed in the statute or subsequently approved by the Secretary of Commerce and create a minimum of 50 jobs (certain activities are exempt from this requirement); jobs credit is equal to 3% of the total wages paid to eligible employees during the prior year and the incentive period is 10 years; an incentivized company is not allowed to take the credit unless a project agreement is in place and the method is identified in the agreement; identified methods are: 1) the credit is paid to the incentivized company as a refund out of utility taxes during the incentive period, regardless of the amount of utility taxes paid by the incentivized company; the Department of Commerce will certify the wages and notify the Department of Revenue (DOR), who will then calculate the refund and issue the refund directly to the incentivized company (DOR will have to determine how the refund will be issued through regulation) and 2) the credit is claimed as a credit against the utility taxes actually paid by the incentivized company during the incentive period; any amounts exceeding the actual taxes paid can be carried forward for up to 5 years if allowed by the project agreement; the investment credit is a 1.5% credit of the capital investment incurred as of the beginning of the incentive period that is allowed to offset the following taxes: 1) Income taxes including estimated taxes, 2) Financial Institution Excise Tax (FIET), 3) Insurance premiums tax, including estimated taxes, 4) Utility taxes or a combination of the above for a period of 10 years; the Governor can decrease amounts and duration to ensure the anticipated revenues will exceed the amount of incentives sought; incentivized companies can: 1) claim a credit against taxes actually paid and any unused credit can be carried forward up to 5 years; prior to claiming the credit, the company must certify the investment amounts actually paid with the Department of Commerce; Commerce shall certify the amounts and notify DOR of the credit awarded to the company, and 2) allow the credit to a pass through entity as long as the project agreement provides for this; provides this credit to be applied against employee stock ownership plans, mutual funds, and Real Estate Investment Trust (REIT) and offset the employee/owners of a pass through entity owned by an employee stock ownership plan; and 3) transfer all of part of the credit for the first three years provided certain conditions are met as provided for in the agreement; the credit can be transferred to up to 3 transferees per year, but no transferees are allowed to transfer the credit; the credit may be sold as long as there is a written, notarized contract that is approved by Commerce and the Governor; the annual investment credit to be transferred shall be certified by Commerce as to its capital investment as of the dates specified in the project agreement; unless the purchase of the credit is made in a fraudulent manner or the transfer is in anticipation of bankruptcy, insolvency or closure, the transferee shall not be liable for recapture of the unpaid tax, interest and penalties associated with any unearned credit.

Effective Date: July 2, 2015 (or ninety days from the enactment date of April 3, 2015). Incentives

authorized by this act will not be available for qualifying projects for which project agreements have not been executed on or prior to December 31, 2019, unless the Legislature votes to continue or reinstate the incentives for new projects after that date.

Act 2015-041 (HB 57)

Enacts the Alabama Veterans and Targeted Counties Act

This act enacts the Alabama Veterans and Targeted Counties Act; adds sections 40-18-376.1 and 40-18-376.2 to Article 16 of Chapter 18, Title 40; adds a new Article 2B to Chapter 10 of Title 41; provides a jobs tax credit to incentivized companies that have entered into a project agreement with the Governor; jobs act incentives are discretionary and the Department of Commerce is the administrative agency; the jobs credit is not allowed to any company that has been approved and receiving incentives under Articles 7, 7A, or 9; qualifying companies for incentives must be deemed an approved company by Commerce and the Governor; qualifying project's activities must fall under the activities listed in the statute or subsequently approved by the Secretary of Commerce and create a minimum of 50 jobs (certain activities are exempt from this requirement); the jobs credit is equal to 4% of the total wages paid to eligible employees during the prior year and the incentive period is 15 years; an additional jobs credit of .5% of wages is allowed to employers that employed, in the prior year, at least 12% of its eligible employees as veterans; the Department of Labor will periodically verify the number of veterans employed; incentivized companies are not allowed to take the credit unless a project agreement is in place and the method is identified in the agreement; the Accelerate Alabama Fund is created for eligible taxpayers to borrow money in order to fund their eligible project.

Effective Date: July 2, 2015 (effective the same date as HB58 of the 2015 Regular Session)

Act 2015-050 (SB 111)

Establishes the Alabama Transportation Infrastructure Bank

This act establishes the Alabama Transportation Infrastructure Bank; purpose of the bank is to assist certain governmental entities in financing highway and public transportation projects; specifies the membership, powers, duties, terms, sources for capitalization and liability of the bank; provides procedures for the issuance of loans and other financial assistance to certain government entities for certain qualified projects; requires bank to report annually to the Governor and the Legislature; allows an annual contribution to the bank from motor vehicle registration fees collected pursuant to Section 40-12-248 (license taxes and registration fee - truck or truck tractors), to be used to capitalize the bank; redistributes to the bank up to \$.01 per gallon of the gasoline tax remaining after distributions from the Public Road and Bridge Fund to cities and counties; further provides that moneys used to fund the bank shall not exceed the balance remaining in the Public Road & Bridge fund pursuant to Section 40-12-270 (d)(3), after distributions to Section 40-12-270-(d)(1), which is the amount collected under Section 40-12-269(a)(2) to be used by the Department of Revenue for tag manufacturing costs and 40-12-270(d)(2) which is payment of bonds.

Effective Date: July 1, 2015

Act 2015-052 (SB 130)

Filing and Remittance of County and Municipal Lodgings Tax Through ONE SPOT Filing System

This act amends Sections 40-23-240 and 40-23-241; adds Section 40-23-244; includes state, county or municipal lodgings tax as a filing option within the ONE SPOT filing system; provides a uniform due date for taxes eligible to be filed through the ONE SPOT system, including local sales, use, rental and lodgings taxes; due date for eligible taxes will coincide with the corresponding state tax whether or not the payment is made through the ONE SPOT system.

Effective Date: October 1, 2016

Act 2015-054 (SB 133)

Repeals and Adds Code Sections Relating to Collection and Distribution of Certain Petroleum Products by the Department of Revenue

This act amends Sections 8-17-80, 8-17-84, 8-17-87, 8-17-91, 8-17-92, 8-17-93, 40-17-325, 40-17-329, 40-17-340, 40-17-359, 40-17-362; adds Sections 8-17-95, 8-17-96, 8-17-97, 8-17-98, 8-17-99, 8-17-100, 8-17-101, 8-17-102; repeals Section 8-17-89; moves the collection of the inspection fee that pertains to gasoline to the terminal excise tax return and dyed diesel fuel, dyed kerosene and lubricating oil products to a return collected and administered by the Department of Revenue (DOR); extends the statute of limitations to three years and changes definitions to coincide with the definitions provided by DOR; exempts aviation fuel and jet fuel from the inspection fee previously levied at fortieth of one cent; changes the disposition of funds to provide for an amount to DOR for the administration in collecting the fee; the \$.02 per gallon inspection fee on gasoline will be added to the \$.16 gasoline excise tax, thereby changing the excise tax to \$.18 per gallon and it will be collected at the terminal rack; for fiscal year beginning October 1, 2015, an amount of \$500,000 will be appropriated to DOR as a charge against the costs to implement and administer the articles set within the bill; beginning October 1, 2015 and every year thereafter, an amount equal to two and one-half percent of the balance of the proceeds received each month after deducting distributions or no less than \$87,500, whichever is greater, is appropriated and deposited to DOR to offset the costs of collection; removes counties' specific requirements for the use of the proceeds for the construction and rehabilitation of roads and bridges, as well as removes the creation of the Secondary Road Committee; requires the county proceeds to be used for purposes authorized under Section 40-17-362, which stipulates the use of proceeds for highway purposes; changes the due date which importers importing motor fuel from a bulk plant or other non-terminal storage location would pay and file the tax levied; due date changes from the 3rd business day following importation to the 22nd day of each calendar month for the preceding month; due date change is effective June 1, 2015; requires licensees under Section 40-17-332(a), (b), or (f) and under Section 8-17-96 to keep and maintain records pertaining to the petroleum products, delivery tickets, invoices, etc., for a period of three years.

Effective Date: In Section 4 of the act, Section 40-17-340 will become effective June 1, 2015 (first day of the second month following enactment). In Section 1 of the act, in the amended Section 8-17-91(a)(2)e., the new paragraph e. will become effective October 1, 2015. All other parts of the act will become effective on October 1, 2016.

Act 2015-70 (HB 40)

Repeals Obsolete and/or Unenforceable Alabama Code Sections

This act repeals various sections of the Code of Alabama 1975 which are obsolete, unenforceable or no longer have purpose or relevance; for fiscal years 2017, 2018 and 2019, supervision and inspection fees for telecommunications carriers subject to Section 37-2A-10(1), (2) or (4) will be reduced in three equal installments; for fiscal years 2020 and subsequent years, the supervision and inspection fees will be paid pursuant to the formula contained in Section 37-2-41; effective October 1, 2019, Section 37-2A-10, relating to supervision and inspection fees, is repealed; the Code Commissioner will 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 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 these entities.

Effective Date: April 21, 2015. Subdivisions (82) through (93), inclusive, in Section 1 will become effective on October 1, 2015. Section 2 will become effective immediately (April 21, 2015) and will apply as provided in that section. The remaining portions of the act will become effective immediately following this act's becoming law (April 21, 2015). Section 37-2A-10 will be repealed effective October 1, 2019.

Act 2015-079 (SB 124)

Reduces Redemption Period of Foreclosed Property

This act amends Sections 6-5-248, 6-5-252 and 8-1-172; reduces the redemption period of certain real property foreclosed on under a mortgage or sold by virtue of a judgment to 180 days; provides foreclosure procedures on residential property on which a homestead exemption was claimed.

Effective Date: January 1, 2016

Act 2015-121 (SB 157)

Establishes Fostering Hope Scholarship Act of 2015

This act establishes the Fostering Hope Scholarship Act of 2015; creates a tuition scholarship program for qualified current or former foster children in Alabama, including children adopted from the program at the age of 14 or older; program begins with the 2016-2017 academic year; the State Department of Human Resources will administer the program and develop administrative rules; pays for tuition and required fees at any public two-year or four-year institution of higher education in the state; pays required fees for approved job training courses or skill certifications offered at the public institutions; includes mentor service as a support system for scholarship program participants; repeals Section 40-18-362, relating to postsecondary education assistance for students in foster care.

Effective Date: October 1, 2015

Act 2015-165 (HB 54)

Clarifications to the Alabama Limited Liability Company Law of 2014

This act amends Sections 10A-5A-1.05, 10A-5A-1.06, 10A-5A-1.07, 10A-5A-4.06 and 10A-5A-12.01; clarifies the law as it pertains to foreign limited liability companies; clarifies which

jurisdictions can govern a limited liability company; clarifies what liability exists for a member of a limited liability company for wrongful distributions; makes technical changes.

Effective Date: May 14, 2015. Section 10A-5A-12.01, as amended, states that except for provisions provided in subsection (c), on and after January 1, 2017, this chapter governs all limited liability companies.

Act 2015-208 (SB 177)

Allows Ad Valorem Taxpayers to Voluntarily Contribute to the Alabama Association of Rescue Squads, Inc.

This act allows ad valorem taxpayers to voluntarily contribute a minimum annual amount of \$3.00 to the Alabama Association of Rescue Squads, Inc.; establishes a check-off box on the annual ad valorem tax statements, beginning with the lien date October 1, 2015, for the contribution; the county tax collector or revenue commissioner will collect the contributions and remit them to the executive director by the tenth day of each month succeeding that in which the contribution is paid.

Effective Date: October 1, 2015

Act 2015-225 (HB 411)

Revises and Clarifies Legislative Intent Relating to Combined Sales of Motor Fuel

This act amends Sections 8-22-2, 8-22-4, 8-22-8 and 8-22-10; revises and clarifies the Motor Fuel Marketing Act relating to combined sales of motor fuel and other goods; changes "replacement cost" to "weighted-average" cost in three places; defines "other goods" and "basic cost of other goods"; provides that it is not a violation for a retailer to sell motor fuel combined with the sale of other goods when the retailer's combined selling price is not below the cost to the retailer of all motor fuel and other goods included in the transaction.

Effective Date: May 27, 2015

Act 2015-237 (SB 119)

Preparation and Distribution of a Tax Expenditure Report by the Legislative Fiscal Office

This act requires the Legislative Fiscal Office (LFO) to annually submit a report to the Legislature which lists all of the tax expenditures in effect for each fiscal year with an estimate of the amount of the expenditure and the fund source to which the revenue source is dedicated; authorizes LFO to request and receive from the Department of Revenue or any other state or local agency or official any information necessary to complete the tax expenditure report; information will be subject to the confidentiality and disclosure provisions of Section 40-2A-10; the tax expenditure report will be prepared annually, beginning in the 2017 Regular Session.

Effective Date: May 27, 2015

Act 2015-281 (SB 179)

Education Trust Fund Budget FY 2015-2016

This act makes appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 2016.

Effective Date: October 1, 2015

Act 2015-291 (HB 210)

Revisions to Administrative Procedures Act: Disapproval of Rules by Legislature, Appeals to Lt. Governor and Delays Effective Date of Certain Rules in Certain Circumstances

This act amends Sections 41-22-5, 41-22-5.1, 41-22-6, 41-22-22 and 41-22-23; repeals Section 41-22-24; provides that the disapproval of a rule may be appealed to the Lt. Governor; the Lt. Governor may review the rule and hold public hearings if he or she determines that it is necessary, within 15 days after the disapproval of the rule; if the Lt. Governor sustains the disapproval of the rule, he or she shall notify the committee and return the rule to the agency; if the Lt. Governor approves the rule, he or she shall notify the chair of the committee; the rule shall become effective upon adjournment of the next regular session that commences after the approval unless, prior to that time, the Legislature adopts a joint resolution that overrules the approval by the Lt. Governor and sustains the action of the committee; if the Lt. Governor fails to approve or disapprove the rule, within the 15 day period, the rule will be deemed approved and will become effective upon adjournment of the next regular session that commences after the deemed approval, unless if prior to that time, the Legislature adopts a joint resolution that overrides the deemed approval of the Lt. Governor and sustains the action of the committee; extends the time rules generally become effective from 35 days after filing the certified rule to 45 days after filing; allows the committee to extend that period to 60 days if it determines a business economic impact is required for the rule.

Effective Date: October 1, 2015

Act 2015-306 (SB 20)

Revises Fleet Management Program; Requires State Vehicles Must Be Purchased or Leased from an Alabama Dealership

This act amends Section 23-1-50.1; requires that state vehicles acquired for the Fleet Management Program of the Department of Transportation must be purchased or leased from a dealership located in the State of Alabama.

Effective Date: September 1, 2015

Act 2015-315 (SB 283)

Provides for Distribution of Proceeds of Hazardous Waste Disposal Facility Fees to Counties Having a Commercial Site for Hazardous Waste Disposal and the State General Fund

This act amends Sections 22-30B-2.1, and 22-30B-4 and 22-30B-4.1; provides for distribution of proceeds of hazardous waste disposal facility fees to counties having a commercial site for hazardous waste disposal and the State General Fund; revenues generated pursuant to Section 22-30B-2(1) and (2), beginning October 1, 2015, will be distributed as follows: 1) amounts necessary to meet the annual guaranteed amount of \$4,200,000.00 to the county as provided by this section, 2) 50% to the State General Fund and, 3) 50% to the county; provides for the distribution of certain state fees by local law; provides for the authorization for certain local laws levying additional fees.

Effective Date: June 3, 2015. Retroactive to April 1, 2015.

Act 2015-325 (SB 458)

Trucks Delivering Asphalt Plant Mix Not Required to Conform to Axle Spacing Requirements

This act amends Section 32-9-20; provides that trucks delivering asphalt will not be required to conform to the axle spacing requirements provided the truck does not exceed the maximum gross weights otherwise provided; dump trucks operating within 50 miles of their base are not required to conform to weight requirements provided they are limited to a maximum gross load not to exceed 66,000 pounds for vehicles with three axles and 82,500 pounds for vehicles with four axles.

Effective Date: September 1, 2015

Act 2015-327 (SB 375)

Provides Flexibility for State Entities to Utilize State Revenue for Other Purposes in Addition to the Stated Purpose under Current State Law

This act provides flexibility for state entities to utilize state revenue for other purposes which are in addition to the stated purpose under current state law; provides the definition for "state tax receipt"; state entities may, in addition to the designated purpose, use state tax receipts that are designated for a particular purpose to offset the reduction in other funding for any given year; flexibility of this act will not apply to funds which are constitutionally dedicated for a specific purpose, or to Medicaid provider taxes from hospitals, nursing homes and pharmacies and Medicaid intergovernmental transfers from public hospitals and public nursing homes, or to funds otherwise designated by the federal government or State or Federal court order, or to portions of a state-levied tax that are distributed directly to counties.

Effective Date: June 3, 2015

Act 2015-341 (HB 47)

Allows a Person under the Age of 18 to Receive or Possess a Firearm, Under Certain Conditions

This act amends Sections 13A-11-57, 13A-11-61.2, 13A-11-72, 13A-11-76, 13A-11-79, 13A-11-84, 22-52-10.8 and 40-12-143; allows a person under the age of 18 to receive or possess a pistol under certain conditions; provides that a minor may receive title to a pistol, bowie knife, or other knife of like kind by inheritance; specifies that a person may possess a firearm or ammunition in an employee's privately-owned vehicle while parked or operated in a public or private parking area at a secure building where firearms are otherwise prohibited; provides for the entry of certain mental health information into the National Instant Criminal Background Check System (NICS); allows a person who has been found insane, mentally incompetent, or not guilty by reason of mental disease or defect to petition for the removal of applicable firearm prohibitions; eliminates certain record-keeping and administrative requirements relating to firearm sales; requires that certain firearm sales records be permanently removed and destroyed within a certain time frame; provides an exception.

Effective Date: September 1, 2015

Act 2015-349 (HB 630)

Regional Care Organizations Exempt from Payment of All License Fees

This act exempts regional care organizations from the payment of all state, county and municipal license fees including any business privilege or license tax; exemptions do not extend to the individual health care providers who are members of the regional care organization.

Effective Date: June 5, 2015

Act 2015-361 (HB 377)

Annexation of Property by General or Local Law will not Extend Police Jurisdiction Unless Specifically Provided for in the Law

This act amends Sections 11-40-10, 11-51-91, 11-51-206 and 11-52-30; provides that the annexation of property by general or local law would not extend the police jurisdiction unless specifically provided for in the general or local law; specifies that a municipality could only change its police jurisdiction based on annexation and deannexation once a year; municipality can only enforce certain ordinances, collect license fees, and levy and collect taxes within its police jurisdiction after providing notice to affected persons; requires that a municipality provide an annual accounting of all revenues collected in its police jurisdiction and an itemization of its expenditures for providing services within the police jurisdiction; when any noncontiguous property has been annexed or is being annexed into a municipality, the municipal governing body, by resolution, may elect not to exercise any jurisdiction or authority in any portion of the police jurisdiction extended as a result of the annexation.

Effective Date: September 1, 2015

Act 2015-362 (HB 17)

Authorizes Issuance of Motorcycle License Plates to Qualifying Disabled Veterans

This act amends Sections 32-6-64, 32-6-64.1, 32-6-250, 32-6-251, 32-6-271, 32-6-280, 32-6-300, 32-6-301, 32-6-630, 32-8-30, 32-8-34, 32-8-35, 32-8-39, 40-12-244 and 40-12-414; provides for the implementation of distinctive license plate categories, as well as, the fee and distribution of the fee; provides for an additional annual fee and a one-time fee at the point of issuance for all distinctive plate categories; authorizes the issuance of motorcycle license plates for all distinctive license plate categories, except the amateur radio/civil air patrol category, and provides for the same license plate and registration fee as available for private passenger or pleasure motor vehicles to qualifying individuals; provides for an additional annual fee for firefighter distinctive license plates; allows distinctive license plates to be personalized, with noted exceptions; standardizes surety bond amounts for designated agents for the issuance of titles; requires the owner of a motor vehicle subject to titling to make the certificate of title reflect owner's current legal name.

Effective Date: Section 2 of this act will become effective on October 1, 2015; Sections 1 and 3 to 6 will become effective on January 1, 2016

Act 2015-382 (SB 243)

Removes Good Standing Certificate

This act amends Section 40-2A-10; removes the Certificate of Good Standing; provides for a compliance certificate that certifies that the entity is in compliance with all state taxes; the Department of Revenue (DOR) will charge a fee of \$10.00 for each certificate of compliance

issued; for the fiscal year beginning October 1, 2015, DOR will be appropriated the fees collected for the certificates of compliance, to be used for administrative purposes.

Effective Date: October 1, 2015

Act 2015-434 (SB 71)

Amendments to the Alabama Accountability Act of 2013

This act amends Sections 16-6D-4 and 16-6D-9, relating to the Alabama Accountability Act of 2013; increases cumulative amount of tax credits to \$30M; allows S-Corporations and other Subchapter K entities to claim credit for a scholarship granting organization (SGO) contribution; the credit would be distributed based on the taxpayer's pro-rata share, to the members of the pass through entity; changes who is eligible for scholarship, based on income; changes the \$7,500 credit limitation for individuals making SGO contributions to \$50,000; individual taxpayers making SGO contributions will be able to offset up to 50% of the tax liability; allows SGO to retain up to 5% of donations for administrative costs; does not require that the 5% retained would be used for the current year's administrative costs; allows donations to be claimed in the 2014 tax year if donations are made before the filing date, with extensions, of the 2014 return; effectively detaches the "failing school requirement" by allowing eligible students attending a non-failing school to be awarded the scholarship funds that remain available after May 15th of each year; changes the release date for unaccounted scholarship funds from September 15 to July 31; clarifies and confirms that once an eligible student receives an educational scholarship, the student remains eligible to receive the scholarship until the student graduates from high school or reaches 19 years of age, regardless of whether or not the student is zoned to attend a failing school; SGOs are publicly required to report to the Department of Revenue (DOR), by the 15th day after the close of each calendar quarter, certain information concerning educational scholarships granted during the quarter; requires SGOs to submit to DOR annual verification of their policies and procedures used to determine scholarship eligibility, and annual verification that their actions or policies do not restrict a parent's educational choice in the enrollment of eligible students in a qualifying school if the student received educational scholarships from other SGOs; an independent research organization, selected by the DOR, will report to DOR every other year the learning gains of students receiving educational scholarships.

Effective Date: June 9, 2015. Except for amendments to subdivision (4) of Section 16-6D-4 and paragraphs f. and o. of subdivision (1) of subsection (b) of Section 16-6D-9, this act will apply retroactively to tax years or periods beginning on or after January 1, 2015. The other amendments, regarding the clarification that SGOs may use up to 5% of scholarship donations for administrative and operating expenses and the continuing eligibility of a student once he or she receives an educational scholarship, will be retroactively effective to and as of March 14, 2013, the effective date of the Alabama Accountability Act of 2013.

Act 2015-435 (SB 76)

Creates the Division of Facilities Management, the Division of Construction Management and the Division of Energy Management

This act amends Sections 41-4-2, 41-4-3, 41-4-261 and Section 41-9-141; repeals Sections 41-4-183, 41-6A-4(10), 41-9-140 and 41-9-142; this act creates the Division of Facilities Management, the Division of Construction Management and the Division of Energy Management within the Department of Finance to centralize the authority and responsibility for

the efficient and economical management of all state-owned and leased real property; effective October 1, 2015, the Building Commission established in Section 41-9-140 is abolished and all powers, authority and jurisdiction of the commission are transferred to the Division of Construction Management; creates a Permanent Joint Legislative Committee on the Management of State-Owned and Leased Real Property.

Effective Date: October 1, 2015

Act 2015-439 (SB 200)

Provides for the Crime of Theft of Consigned Motor Fuels or the Proceeds of Consigned Motor Fuels

This act adds Article 3B to Chapter 8 of Title 13A; makes it a crime of theft of property if any person takes, uses, sells or disposes of consigned motor fuel or its proceeds without the consent of the owner of the fuel; provides for punishment of the theft of property.

Effective Date: September 1, 2015

Act 2015-441 (SB 216)

Allows Authorized State Agencies to Increase Fees Retained by the Agency to Fund Its Operations or Programs

This act allows a state agency to increase its operational or program fees by the percentage increase in the Consumer Price Index for all urban consumers as published by the U.S. Department of Labor, Bureau of Labor Statistics from the end of December in the tenth year preceding the year in which the fee increase is to be effective or from the end of December in the last year the fee was increased, whichever is shorter, to the end of the month preceding the month in which the fee increase is to be effective, rounded down to the nearest dollar; after the initial fee increase, every five years the agency may repeat the process using the Consumer Price Index for the previous five years forward to the date of the requested change; the change is not to exceed an increase of two percent per year; if the agency adopts an increase, the funds will be retained by the agency to fund its operations and programs under its control; exempts the Alabama Public Service Commission, the State Banking Department and the State Parks Division of the Department of Conservation and Natural Resources from any provisions of the act.

Effective Date: June 9, 2015

Act 2015-442 (SB 226)

Renames the Wallace-Folsom College Savings Investment Plan the Wallace-Folsom Savings Investment Plan and Creates the Achieving a Better Life Experience (ABLE) Act

This act amends Sections 16-33C-1, 16-33C-2, 16-33C-2.1, 16-33C-3, 16-33C-4, 16-33C-5, 16-33C-10, 16-33C-11, 16-33C-12 and 40-18-19; changes the name of Alabama's college savings program from the Wallace-Folsom College Savings Investment Plan to the Wallace-Folsom Savings Investment Plan; adds the "Achieving a Better Life Experience (ABLE) Act" to the college savings program; ABLE, following under the guidelines of IRC§ 529, will encourage Alabamians to save private funds for the purpose of supporting Alabama citizens with disabilities to maintain health, independence and quality of life; beginning January 1, 2016, all income, interest, dividends, gains or benefits of any kind received from ABLE savings accounts administered under Title 16, Chapter 33C, are exempt from all income taxation by the state.

Effective Date: June 9, 2015

Act 2015-443 (SB 287)

Provides Income Tax Refund Check-Off for a Contribution to the USS Alabama Battleship Commission

This act amends Section 40-18-140; provides an income tax refund check-off for a contribution to the USS Alabama Battleship Commission; check-off contributions will begin in the 2015 tax year.

Effective Date: September 1, 2015

Act 2015-447 (SB 388)

Provides Income Tax Refund Check-Off for a Contribution to the Children First Trust Fund

This act amends Section 40-18-140; provides an income tax refund check-off for a contribution to the Children First Trust Fund; check-off contributions will begin in the 2015 tax year.

Effective Date: September 1, 2015

Act 2015-448 (SB 437)

Establishes “The Simplified Seller Use Tax Remittance Act”

This act establishes “The Simplified Seller Use Tax Remittance Act”, a voluntary program for only those remote sellers with no physical presence in Alabama to remit, on behalf of their customers, use tax on sales delivered into Alabama; eligible sellers voluntarily enrolled and approved by the Department of Revenue (DOR) for the program will be required to collect, report and remit the simplified sellers use tax of eight percent; participation in the program does not subject the eligible seller to franchise, income, occupation or any other tax types or licensing requirements levied by the state and any locality; the program is to be administered by DOR, through an easily-accessible online system; eligible sellers may participate in the program by submitting an application to DOR; DOR will then review the application for approval into the program; the simplified sellers tax is to be remitted to DOR on a monthly basis on a single state form, absent of the requirement of locality-specific information; eligible sellers may deduct and retain a discount of two percent of the simplified sellers use tax collected and properly remitted to the department in a timely manner; no discount is given for taxes which are not timely reported and remitted; the collection and remittance of simplified sellers use tax relieves the eligible seller and the purchaser from any additional state or local sales and use taxes on the transaction; the participating seller must provide the purchaser with a statement or invoice showing that the simplified sellers use tax was collected and is to be remitted on the purchaser's behalf; any taxpayer who pays the simplified sellers use tax that is higher than the actual state and local use taxes levied where the purchase was delivered, may file for a refund or credit of the excess amount; an individual taxpayer seeking a refund or credit may submit a direct petition for refund to DOR; in the event that the refund is less than \$25.00, the payment may be deferred by DOR and combined with amounts to be paid with subsequent years for a period of up to three years; a business taxpayer who has a registered consumer use tax account with DOR may claim credit for overpayment of simplified sellers use tax on their consumer use tax return in a manner as prescribed by DOR; interest due on refunds shall be paid beginning on the 91st day after the receipt date of a properly-documented refund petition; proceeds of the simplified sellers use tax are to be appropriated to DOR, and amounts shall be retained by DOR to cover the amount necessary to fund the administrative costs of implementing and operating the program and for amounts paid of refunds; the balance of the amounts collected shall be distributed as: 1) 50% to

the state treasury - allocated as 75% to the General Fund and 25% to the Education Trust Fund, 2) 25% to each county - prorated according to most current federal population census, and 3) 25% to each municipality - prorated according to most current federal population census; the distributions to the counties and municipalities are to occur on a quarterly basis and in a manner as prescribed by DOR; in the event that a national agreement for the collection of sales and use taxes from remote sellers or other similar federal legislation or U.S. Supreme Court decision is enacted, the eligible sellers which are enrolled in the program at least six months prior to the change in federal law, may continue to remit the simplified sellers use tax through DOR's program; participants in the simplified sellers use tax program will be granted amnesty for uncollected simplified sellers tax that may have been due on sales made to purchasers in Alabama for 12 months preceding the enrollment into the program; amnesty is not available for prior paid and remitted taxes, as well as matters for which an eligible seller has received notice of an audit; amnesty is not applicable to sellers use taxes due from an eligible seller in his or her capacity as a buyer.

Effective Date: October 1, 2015

Act 2015-458 (HB 238)

Extends Supplemental Privilege Assessment and Monthly Surcharge on Nursing Facilities through August 31, 2017

This act amends Section 40-26B-21; extends the current supplemental privilege assessment and surcharge on nursing facilities through August 31, 2017; stipulates that the Medicaid nursing facility program will continue to be administered by the Alabama Medicaid Agency until at least October 1, 2017.

Effective Date: June 11, 2015

Act 2015-470 (HB 458)

Revisions to State Laws for Unclaimed or Abandoned Motor Vehicles

This act amends Sections 32-8-84, 32-13-1, 32-13-2, 32-13-3, 32-13-4 and 32-13-6; adds Sections 32-13-9 and 32-13-10; streamlines the notification requirements for unclaimed vehicles regardless of industry or trade; defines that motor vehicles left unattended on property for more than 48 hours without consent are deemed unclaimed motor vehicles; reports of unclaimed motor vehicles must be submitted to the Department of Revenue (DOR) within 5 calendar days from the date the motor vehicle was considered unclaimed; DOR then places a 45 calendar-day hold on the title record; requires the person or entity reporting the unclaimed motor vehicle to query the National Motor Vehicle Title Information System (NMVTIS) to determine the title state of record and submit a records request to titling state within 5 calendar days from the date the motor vehicle was reported as unclaimed to DOR; requires the person or entity to send a notice, within 5 calendar days of receiving records request, advising the owner or lienholders of record that vehicle will be deemed abandoned after 30 days from the date of the notice; failure to properly report a vehicle as unclaimed will result in forfeiture of charges for garaging, parking, and storing prior to the time the motor vehicle is reported unclaimed; provides an updated definition of an abandoned motor vehicle, as well as, provides procedures for the sale of an abandoned motor vehicle; the abandoned motor vehicle definition is updated to include attached aftermarket equipment and other permanent modifications; abandoned definition updated as a vehicle deemed unclaimed as per Section 32-8-84 for no less than 30 calendar days from date notice was sent to owner/lienholders of record; the notice of public auction for an abandoned motor vehicle

must be submitted to DOR at least 35 calendar days prior to auction date; the notice must include the VIN, year, make and model as well as date, time and location of auction; within 5 calendar days of the notice of public auction, DOR shall send a termination notice to owner or lienholders of record advising their interest in the vehicle will be terminated upon its sale, along with auction and vehicle information; all abandoned motor vehicle pre-sale appeals are to be heard by the Alabama Tax Tribunal or circuit court; all abandoned motor vehicle post-sale appeals and associated fee disputes are to be heard by circuit court in county of sale; records of abandoned motor vehicle sales are to be maintained by the seller 3 years from the date of the sale; establishes a Class C Felony for false statements relating to the sale of abandoned vehicles; requires the person holding the unclaimed/abandoned motor vehicle to publish the sale of the vehicle once a week for two successive weeks in a newspaper of general circulation in the county in which the sale of the vehicle is to be held; provides that the vehicle sale is only required to be published when the vehicle is registered in the county in which the sale is to be held.

Effective Date: July 1, 2016

Act 2015-479 (SB 229)

Electronic Process for Recordation of Business Entity Filings with Judge of Probate and Secretary of State

This act provides an electronic process for the recordation of business entity filings with the judge of probate and the Secretary of State; requires the Secretary of State to develop an electronic processing program and allow any county that voluntarily chooses to participate in the program to do so by written agreement; the Secretary of State or the county may terminate an agreement at any time upon 120 days' written notice; authorizes county commissions and judges to satisfy general and local law requirements by participating in the electronic processing program; allows the Secretary of State to contract with a vendor to provide the electronic processing services; the Secretary of State may develop a certification process to allow third parties to provide the electronic processing services; cooperation between the Secretary of State and a county will be at no additional cost to the county or the state.

Effective Date: September 1, 2015

Act 2015-484 (SB 327)

Increases Permissible Exemptions Available to Surviving Spouse for Homestead and Personal Property

This act amends Sections 6-10-2, 6-10-6, 6-10-11, 43-8-110, 43-8-111, 43-8-113 and 43-8-115; adds Sections 6-10-6.1, 6-10-12 and 43-5-116, to provide for the adjustment of allowances and deductions under certain conditions; increases permissible exemptions available to a surviving spouse to \$15,000 for homestead and \$7,500 for personal property; increases an Alabama debtor's individual homestead exemption to \$15,000 and an individual's personal property exemption to \$7,500; protects a person's homestead allowance and personal property in excess of any security interests in furniture, automobiles, furnishings, appliances, and personal effects.

Effective Date: June 11, 2015

Act 2015-494 (SB 220)

Property Insurance and Energy Reduction Act of Alabama

This act creates the Property Insurance and Energy Reduction Act of Alabama; allows a county or municipality to adopt programs to finance, through bonds or notes issued by the governmental

entity, necessary improvements to properties in designated regions for the purpose of increasing energy efficiency and resistance to storm-related events, such as high winds and flooding; establishes the procedures to create a program; provides for the contractual relationship between the local government and the private property owner participating in the program; provides that an unpaid contractual assessment under the program would be a lien on the affected property similar to ad valorem tax liens; requires the local assessing official to provide information about the status of the property tax on any affected property for the past three years; local governments, or a combination of local governments, the state or designee, may establish a loss reserve fund; the Governor may appoint an existing state agency to exercise regulatory jurisdiction over programs and activities in this act.

Effective Date: September 1, 2015

Act 2015-499 (HB 217)

Allows Farmers to Purchase License Plates for Truck Tractors

This act amends Sections 40-12-240 and 40-12-248; provides for the definition of farmer, in relation to license tax and registration fees for truck tractors; changes the limitation authorizing a farmer to obtain a tag at a reduced annual license tax and registration fee (\$250.00) from one truck tractor to four truck tractors; for each additional truck tractor the annual license tax and registration fee will be determined from the “schedule of base amounts” and “the schedule of additional amounts” based on the gross vehicle weight in pounds, between \$585.00 to \$890.00; the reduced annual license tax and registration fee will not be available for truck tractors used on a for-hire basis.

Effective Date: June 12, 2015

Local Revenue Related Acts 2015 Regular Session

Act 2015-025 (HB 87)

Alters, Rearranges and Extends Boundary Lines and Corporate Limits in Hayden

This act alters, rearranges and extends the boundary lines and corporate limits of the municipality of Hayden in Blount County.

Effective Date: June 1, 2015

Act 2015-026 (SB 35)

Elected or Appointed Public Officials in Lamar County May Participate in ERS

This act proposes a Constitutional Amendment that would allow certain elected or appointed public officials in Lamar County to participate in the Employee' Retirement System (ERS) in lieu of participating in a supernumerary program or system.

Effective Date: Contingent upon voter approval

Act 2015-035 (SB 84)

Abatement of Grass or Weeds for City of Athens

This act provides for the abatement of grass or weeds which becomes a nuisance under certain conditions; provides that in the event the city is required to take care of the nuisance, the cost to do so will be charged to the owner of the property; if the owner does not satisfy the charges, the city will notify the Limestone County Revenue Commissioner, who will add the "weed lien" amount to the next property tax bill.

Effective Date: April 7, 2015

Act 2015-036 (SB 176)

Distribution of TVA Funds in Morgan County

This act amends Act 2007-339, pertaining to the distribution of certain payments made in-lieu-of taxes by the Tennessee Valley Authority; amends the original act to expand the jurisdiction of the Morgan County Industrial Park and Economic Development Cooperative District to include the entire county for the purposes of economic development.

Effective Date: April 7, 2015

Act 2015-057 (HB 300)

Provides for Annual Salary Increase of Shelby County Property Tax Commissioner

This act provides for an annual salary increase of the Shelby County Property Tax Commissioner to \$110,000.00 commencing on October 1, 2015; Section 40-6A-2 provides that the official's salary shall be paid by each fund or agency receiving ad valorem taxes on a pro rata basis.

Effective Date: April 17, 2015. Salary of Shelby County Property Tax Commissioner will be effective on October 1, 2015.

Act 2015-072 (HB 291)

Alters/Rearranges Boundary Lines of Alexander City in Tallapoosa County

This act alters or rearranges the boundary lines of the City of Alexander City, Tallapoosa County, to include within the corporate limits of Alex City all territory not within the corporate limits and certain other territory contiguous in Alex City.

Effective Date: April 21, 2015

Act 2015-074 (HB 357)

Authorizes the Randolph County Commission to Levy Additional Sales and Use Taxes Up to One Percent

This act authorizes the Randolph County Commission to levy an additional sales and use tax, up to one percent, to be used exclusively for the construction, maintenance or operation of a hospital in Randolph County; the County Commission will pass a resolution to terminate the tax levy once all bonds, warrants, notes or other obligations issued by the county to construct the hospital have been fully paid and retired; provides for an advisory referendum regarding the authorization of the taxes; provides that the taxes will not be abated pursuant to Chapter 9B, Title 40; authorizes the pledge of the taxes by Randolph County to secure indebtedness issued for the purposes for which the taxes are authorized.

Effective Date: Contingent upon voter approval

Act 2015-077 (HB 378)

Authorizes Wilcox County to Levy a Lodgings Tax

This act authorizes Wilcox County to levy a lodgings tax in the amount of \$4.00 per night per room, lodgings, or accommodations within the county; exempted from the tax are the following: 1) charges for property sold or services furnished which are required to be included in the tax levied by the State Sales Tax Act, and 2) charges for rental of rooms, lodgings or accommodations to a person pursuant to the exemption provision of Alabama's Transient Occupancy Tax; the tax will be due and payable to the Department of Revenue (DOR) on or before the 20th day of the month next succeeding the month in which the tax accrues; DOR will charge and deduct from the proceeds of the levied tax an amount equal to the cost to the agency of making the collections and the charge will not exceed five percent of the total tax collected; all proceeds from the tax levied shall be deposited to the Wilcox County General Fund and one-half of the proceeds deposited in the fund will be deposited to the account of the Wilcox Area Chamber of Commerce for promotion of tourism and special events.

Effective Date: June 1, 2015

Act 2015-105 (SB 255)

Alters/Rearranges Boundary Lines of Alexander City in Tallapoosa County

This act alters or rearranges the boundary lines of the City of Alexander City, Tallapoosa County, Alabama, to include within the corporate limits of Alexander City all territory now within such corporate limits and also certain other territory contiguous thereto, in Alexander City, Tallapoosa County, Alabama.

Effective Date: May 1, 2015

Act 2015-127 (HB 184)

Levies Tobacco Tax in Monroe County

This act proposes to levy a tax on tobacco products sold or distributed in Monroe County by Constitutional Amendment, which mean taxpayer vote is required; ADOR, by county resolution, may be required to administer/distribute this tax, if the tax is allowed by law.

Effective Date: Contingent upon voter approval

Act 2015-162 (HB 306)

Authorizes the City of Athens to Increase Ad Valorem Tax Rate

This act authorizes the governing body of the City of Athens, in Limestone County, to increase their millage levy to a maximum of 12 mills (\$1.20 on each one hundred dollars) upon approval of a majority of the electorate.

Effective Date: Contingent upon voter approval

Act 2015-174 (HB 108)

Alters/Rearranges Boundary Lines and Corporate Limits of Foley in Baldwin County

This act alters or rearranges the boundary lines and corporate limits of the City of Foley, Baldwin County, Alabama.

Effective Date: August 1, 2015

Act 2015-177 (HB 138)

Alters/Rearranges Boundary Lines and Corporate Limits of Bay Minette in Baldwin County

This act alters or rearranges the boundary lines and corporate limits of the City of Bay Minette, Baldwin County, Alabama.

Effective Date: August 1, 2015

Act 2015-181 (HB 497)

Additional Fee on Probate Documents in Washington County

This act amends Section 2 of Act 95-220; provides for the assessment of an additional fee on all documents submitted for recording in the office of the judge of probate which are subject to a deed or mortgage tax in Washington County; creates the Washington County Probate Judge Fund; funds will be used by the judge of probate, at his or her sole discretion, for the operation of said office for the digitalization of records, acquiring, updating, and replacing existing technology.

Effective Date: May 14, 2015

Act 2015-191 (SB 396)

Authorizes Jackson County to Levy Additional Sales and Use Tax

This act authorizes the Jackson County Commission to levy an additional sales and use tax, up to one percent, subject to the outcome of voter referendum; funds from the tax levied will be paid to the Jackson County General Fund without restriction or earmark.

Effective Date: Contingent upon voter approval

Act 2015-194 (SB 356)

Special Recording Fee and Tag Issuance Fee for Bullock County

This act provides for a special recording fee of \$7.00 and an additional tag issuance fee of \$4.00 to be charged and collected by the Bullock County Judge of Probate; the recording fees collected for each document or instrument recorded in the office of the judge of probate will be deposited into a special account to be used by the judge of probate for office operations; the additional tag fee will be deposited in the county general fund.

Effective Date: August 1, 2015

Act 2015-196 (HB 539)

Special Recording Fee and Tag Issuance Fee for Bullock County

This act provides for a special recording fee of \$7.00 and an additional tag issuance fee of \$4.00 to be charged and collected by the Bullock County Judge of Probate; the recording fees collected for each document or instrument recorded in the office of the judge of probate will be deposited into a special account to be used by the judge of probate for office operations; the additional tag fee will be deposited in the county general fund.

Effective Date: August 1, 2015

Act 201-202 (HB 600)

Increases Sales and Use Taxes and Changes Distribution of Tax Proceeds in Tuscaloosa County

This act amends Sections 1, 3, 4 and 11 of Acts 1953, No. 56 (as amended by Act 94-535) and Act 94-554; authorizes Tuscaloosa County to levy an additional sales and use tax; creates the Tuscaloosa County Road Improvement Commission to provide oversight for the prioritization and financing of public road and bridge projects within Tuscaloosa County; county tax rate will increase by 3% in each jurisdiction; county rate will be 8% for locations outside the city limits and police jurisdictions of the cities in Tuscaloosa County.

Effective Rate: June 1, 2016

Act 2015-204 (HB 146)

Electronic Filing of Business Personal Property Tax Returns with Mobile County Revenue Commissioner

This act provides for the electronic filing of business personal property returns in the office of the Mobile County Revenue Commissioner; authorizes the revenue commissioner to establish procedures for filing the returns including payment of any taxes due; allows revenue commissioner to establish procedures that do not conflict with Act 2014-415; revenue commissioner will develop a certification process for third-party systems for filing business personal property tax returns.

Effective Date: May 26, 2015.

Act 2015-205 (HB 349)

Establishes a Service of Process Fee for Houston County Sheriff's Office

This act provides for a service of process fee of \$25.00 for service or attempted service of process on each document requiring personal service of process in Houston County; provides for the distribution of the fees; establishes the Houston County Sheriff's Law Enforcement Fund for disposition of service of process fees.

Effective Date: August 1, 2015

Act 2015-219 (HB 594)

Grants Sixteenth Section and School Lands Located in Winston County to the Winston County Board of Education

This act proposes a Constitutional Amendment; grants sixteenth section and school lands located in Winston County, and held in trust by the state for education purposes in the county, to the Winston County Board of Education; authorizes county board of education to manage, sell, lease and control those lands and any timber, minerals or other natural resources of the land; provides for the distribution of any proceeds and interest generated by the properties.

Effective Date: Contingent upon voter approval

Act 2015-221 (HB 89)

Levies a Sales Tax on Spirituous or Vinous Liquors Sold in Calhoun County

This act levies a five percent sales tax upon the retail and wholesale sale of spirituous or vinous liquors in Calhoun County by the Alcoholic Beverage Control Board and its stores; the ABC Board will withhold five percent of the tax collected under the act for costs of administration and collection up to \$2000.00 per year.

Effective Date: August 1, 2015

Act 2015-226 (HB 573)

Authorizes Jefferson County Commission to Levy and Assess Additional Sales and Use Tax

This act authorizes the Jefferson County Commission to levy an additional sales and use tax, not to exceed one percent; requires the simultaneous cancellation of existing sales and use taxes levied by the county under Ordinance 1769; funds from the tax levied will be directed to the county commission; creates the Jefferson County 2015 Sales Tax Fund which will be administered and maintained by the county commission; creates the Jefferson County Community Service Committee, which consists of four elected members, voted in by members of the Jefferson County Legislative Delegation; the committee and committee funds will be used to serve a public purpose within Jefferson County; the additional sales and tax will be levied only as long as any refunding school warrants are outstanding and are not fully paid; when all school warrants have been fully paid, the levy of the tax will be terminated unless extended by law.

Effective Date: May 27, 2015

Act 2015-241 (SB 374)

Authorizes Designated City Officers or City Employees in Jefferson County to Issue Motor Vehicle Registrations

This act clarifies legislative intent of Act 2012-196; allows designated city officers and city employees in Jefferson County to issue motor vehicle registrations; allows cities in Jefferson County to collect the same issuance fees as provided for the county license plate issuing officials; collected fees will be retained by the city and credited to the city general fund; the cities may levy and collect an additional issuance fee, not to exceed \$5.00, which is to be deposited into the city general fund and used for the operation of the city license plate issuing official's office; the cities will also deduct and retain in the city general fund all commissions on the collection of taxes for the state and county in the same manner as the county license issuing official.

Effective Date: May 27, 2015. Retroactive to April 1, 2014.

Act 2015-242 (SB 399)

Authorizes the Russell County Commission to Levy Additional Issuance Fee on Motor Vehicle Registrations

This act authorizes the Russell County Commission to levy an additional issuance fee of up to \$10.00 on each motor vehicle registration in the county; individuals exempt from paying ad valorem taxes under Section 40-9-21 are exempt from the additional issuance fee; the additional issuance fee will become due at the same time the state license and registration fee becomes due pursuant to Section 32-6-61; proceeds from the fee will be deposited into the county general fund.

Effective Date: January 1, 2016

Act 2015-264 (HB 367)

Additional One-Time Service of Process Fee in Montgomery County

This act authorizes an additional one-time service of process fee of \$30 per document in the criminal and civil divisions of the district and circuit courts of Montgomery County; provides for distribution of funds to the circuit clerk's fund and the general fund of Montgomery County; the additional fee will not be imposed if substantial hardship is verified; the Montgomery County district attorney, law enforcement and grand juries are exempt from payment of the fee.

Effective Date: August 1, 2015

Act 2015-265 (HB 383)

Transfers Duties, Responsibilities and Liabilities Regarding Real Estate Sales for Failure to Pay Taxes from Mobile County Judge of Probate to County Revenue Commissioner

This act transfers all duties, responsibilities and liabilities regarding real property sales for failure to pay taxes and any subsequent redemption performed by the Mobile County Judge of Probate to the Mobile County Revenue Commissioner.

Effective Date: August 1, 2015

Act 2015-269 (HB 523)

Authorizes the Jackson County Commission to Levy an Additional Sales and Use Tax

This act authorizes the Jackson County Commission to levy an additional sales and use tax, up to one percent, subject to the outcome of referendum; funds from the tax levied shall be paid to the Jackson County General Fund without restriction or earmark.

Effective Date: Contingent upon voter approval

Act 2015-270 (HB 535)

Authorizes the Cherokee County Commission to Increase Recording Fee of Judge of Probate Documents

This act authorizes the Cherokee County Commission to increase the recording fee of all documents filed for record in the office of the judge of probate by a maximum of \$5.00 for the first page of each document; all fees collected will be paid into the county general fund.

Effective Date: August 1, 2015

Act 2015-271 (HB 558)

Authorizes Hartselle in Morgan County to Increase Ad Valorem Tax

This act authorizes the City of Hartselle in Morgan County, upon passage of referendum, to replace current county ad valorem tax levy set to expire September 30, 2017, with a 7.3 mill levied by the City of Hartselle to replace lost revenues when the county levy expires.

Effective Date: Contingent upon voter approval

Act 2015-272 (HB 607)

Authorizes Covington County to Increase Lodgings Tax Levy

This act authorizes Covington County to increase the local lodgings tax levy from 4% to 7% of the charge for rooms, lodgings or accommodations, including the charge for use of rental or personal property and services furnished in the room or rooms.

Effective Date: August 1, 2015

Act 2015-274 (HB 616)

Levy and Distribution of Proceeds of Waste Disposal Fees in Sumter County

This act amends Sections 2 and 4 of Act 83-480; provides for the levy of a fee to be paid by each operator of a commercial site for the disposal of hazardous waste in Sumter County of \$3.50 per ton; provides for the distributions of the proceeds; repeals conflicting local laws, including specifically Act 90-612, as amended by Act 94-700.

Effective Date: August 1, 2015

Act 2015-287 (SB 439)

Provides for the Use of Land Owned or Controlled as a Park by Cullman County and the Collection and Disposition of Certain Fees Associated with the Park

This act provides for the use of land owned or controlled as a park by Cullman County and the collection and disposition of certain fees associated with the park; the Cullman County Commission is authorized to conduct events requiring the collection of fees and disbursements to the winners of the events; the commission will establish and maintain a Cullman County Park Event Disbursement Fund; the commission will keep an account of all fees collected and disbursements for audit.

Effective Date: June 2, 2015

Act 2015-310 (SB 198)

Creates the Hale County Sheriff Service of Process Serving Fund

This act creates the Hale County Sheriff Service of Process Serving Fund; provides for service of process in the county; provides that the sheriff may contract with or enter into agreement with a private, public or governmental entity for the purpose of service of process; sets the fee for civil or criminal documents with certain exceptions; provides for disposition of funds.

Effective Date: September 1, 2015

Act 2015-324 (SB 447)

Revises Distribution of Etowah County Sales and Use Tax

This act amends Section 45-28-244.01; revises the distribution of the county sales and use tax in Etowah County; eliminates certain distributions to the Etowah County Rescue Squad and Attalla Rescue Squad; reduces amounts distributed to Gadsden State Community College, the Etowah

County Fund, the Etowah County Community Development Committee, the Etowah County Library Committee and the county Volunteer Fire Departments; provides for distributions to the Etowah County Drug Enforcement Task Force, the District Attorney's Office, the Sheriff's Department and the Etowah County Sports Authority.

Effective Date: June 3, 2015

Act 2015-326 (SB 460)

Alters/Rearranges Boundary Lines of Section in Jackson County

This act alters or rearranges the boundary lines and corporate limits of the municipality of Section, Jackson County, Alabama.

Effective Date: September 1, 2015

Act 2015-332 (HB 512)

Alters/Rearranges Boundary Lines and Corporate Limits of Jacksonville in Calhoun County

This act alters or rearranges the boundary lines and corporate limits of the City of Jacksonville, Calhoun County, Alabama; subsection (a) of this act is be operative until 90 days after the effective date of this act; during the 90-day period, the owner or owners of property that is included in the description in subsection (a) to be annexed may request in writing to the city clerk to be excluded from the annexation if the property is classified for ad valorem tax purposes as Class III property and not in a platted subdivision.

Effective Date: September 1, 2015. Subsection (a) of this act is not operative until November 29, 2015 (90 days after the effective date of September 1, 2015).

Act 2015-333 (HB 557)

Additional Fire Protection Service Fee in Cleburne County

This act provides for an additional fire protection service fee on certain owners of dwellings, commercial buildings, and agricultural buildings in Cleburne County; fees will be collected by the county revenue commissioner at the same time as ad valorem taxes; the fee will be in addition to the 2 mill property tax currently levied and collected for fire protection in Cleburne County; adds additional responsibilities to the county revenue commissioner.

Effective Date: June 3, 2015

Act 2015-334 (HB 566)

Authorizes Russell County Commission to Levy Additional Issuance Fee on Motor Vehicle Registrations

This act authorizes the Russell County Commission to levy an additional annual issuance fee of up to \$1.00 on motor vehicle registrations; persons exempt from paying ad valorem under Section 40-9-21 are exempt from the annual issuance fee; issuance fee is due at the same time the state license and registration fee becomes due pursuant to section 32-6-61; provides for distribution of proceeds.

Effective Date: January 1, 2016

Act 2015-337 (HB 637)

Alters/Rearranges Boundary Lines of Section in Jackson County

This act alters or rearranges the boundary lines and corporate limits of the municipality of Section, Jackson County, Alabama.

Effective Date: September 1, 2015

Act 2015-310 (SB 198)

Creates the Hale County Sheriff Service of Process Serving Fund

This act creates the Hale County Sheriff Service of Process Serving Fund; provides for service of process in the county; provides that the sheriff may contract with or enter into agreement with a private, public or governmental entity for the purpose of service of process; sets the fee for civil or criminal documents with certain exceptions; provides for disposition of funds.

Effective Date: September 1, 2015

Act 2015-326 (SB 460)

Alters/Rearranges Boundary Lines and Corporate Limits of Section in Jackson County

This act alters or rearranges the boundary lines and corporate limits of the municipality of Section, Jackson County, Alabama.

Effective Date: September 1, 2015

Act 2015-346 (HB 658)

Creates the Etowah County Mega Sports Complex Authority

This act creates the Etowah County Mega Sports Complex Authority; the authority will evaluate the development of a sports complex for Etowah County, and upon the authority's approval, initiate the development and management of a public mega sports complex in the county; authorizes distribution of T.V.A. in-lieu-of-taxes payments that the county keeps, after dispersing funds to the municipalities, to be used for financing and operating the complex.

Effective Date: June 5, 2015

Act 2015-354 (HB 670)

Authorizes Barbour County Commission to Levy Additional Ad Valorem Tax

This act authorizes the Barbour County Commission to levy an additional 2 mills of ad valorem tax on the assessed value of taxable property in the county; provides for a referendum.

Effective Date: Contingent upon voter approval

Act 2015-371 (HB 511)

Transfers All Duties, Responsibilities and Liabilities Regarding Real Estate Sales for Failure to Pay Taxes to Chilton County Revenue Commissioner

This act provides for the transfer of all duties, responsibilities and liabilities regarding real estate sales for failure to pay taxes and subsequent redemptions from the judge of probate to the revenue commissioner in Chilton County.

Effective Date: Immediately following the Chilton County Revenue Commissioner taking office in October 2015

Act 2015-384 (SB 310)

Exempts Birmingham Zoo, Inc., from Sales and Use Taxes

This act amends Section 40-23-5: exempts The Birmingham Zoo, Inc. from paying state, county and municipal sales and use taxes; exemption is limited to only sales and use taxes associated with any and all capital expenditures; requires the zoo to collect and remit all other taxes to the appropriate taxing authorities; requires the zoo to file an annual report with the Department of Revenue on the sales for which the exemption is granted; exemption provided pursuant to subsection(s) of Section 40-23-5 will no longer be available four years after the effective date of this act.

Effective Date: September 1, 2015

Act 2015-388 (SB 485)

Transfers All Duties, Responsibilities and Liabilities of Motor Vehicle Ad Valorem Taxes to Bullock County Revenue Commissioner

This act provides for the transfer of all duties, responsibilities and liabilities of motor vehicle ad valorem tax assessment and collection from the revenue commissioner to the judge of probate in Bullock County; provides for the transfer of all duties, responsibilities and liabilities regarding real estate sales for failure to pay taxes and any subsequent redemptions from the county judge of probate to the county revenue commissioner.

Effective Date: June 5, 2015

Act 2015-389 (SB 488)

Authorizes Barbour County Commission to Levy Additional Ad Valorem Tax

This act authorizes the Barbour County Commission to levy an additional 2 mills of ad valorem tax on the assessed value of taxable property in the county; provides for a referendum.

Effective Date: Contingent upon voter approval

Act 2015-412 (HB 631)

Distribution of Sales and Use Tax Proceeds in Etowah County

This act amends Section 45-28-244.01; updates the distribution of the proceeds of county sales and use tax in Etowah County; adds CED Mental Health Center, Etowah County Mega Sports Complex Authority, Etowah County Drug Enforcement Task Force, Etowah County District Attorney and the Etowah County Sheriff's Department to the distribution list; reduces distributions to Gadsden State Community College, Etowah County Fund, Etowah County Community Development Committee and Etowah County Library Committee.

Effective Date: June 9, 2015

Act 2015-413 (HB 635)

Alters/Rearranges Boundary Lines and Corporate Limits of Lincoln in Talladega County

This act alters or rearranges the boundary lines and corporate limits of the City of Lincoln, Talladega County, Alabama, to remove certain property from the corporate limits of the city.

Effective Date: June 9, 2015

Act 2015-414 (HB 672)

Authorizes Macon County Commission to Levy Excise Tax on Sales and Withdrawals of Gasoline and Motor Fuel Products

This act authorizes the Macon County Commission to levy an excise tax on sales and withdrawals of gasoline and motor fuel products in the county in an amount not to exceed two cents per gallon; provides for a specific tax exemption for any company or retailer of fuel products located or under construction in Macon County that has entered into a form project agreement with a local government of Macon County in the past 24 months; the exemption is for a period of not less than 24 months; within 30 days after tax has been imposed, every distributor, retail dealer or storer will furnish a report to the county commission showing the place and post office address at which the distributor, retailer dealer or storer is engaged in business; failure to file reports and pay tax will result in a Class C misdemeanor upon conviction; requires that an agent of any railroad company, bus or truck operator, or other transportation company or agency operating in Macon County will report to the county commission on the 15th of January, April, July and October of each year all shipments of gasoline or motor fuel handled and delivered in the county; county commission may, by resolution, request the Department of Revenue to administrate and collect the tax levied; one-half of the proceeds will be paid into the road and bridge fund in the county treasury and the remaining one-half of the proceeds will be distributed to the Macon County Economic Development Authority.

Effective Date: June 9, 2015

Act 2015-417 (HB 676)

Updates Distribution of Privilege License Tax in Baldwin County

This act amends Section 45-2-244.183; updates the distribution of the privilege license tax in Baldwin County; increases distribution of proceeds to the Baldwin County Legislative Office; reduces distribution to the Historic Blakeley Authority; establishes the Baldwin County Community Capital Fund and provides for the fund's distribution of proceeds.

Effective Date: October 1, 2015

Act 2015-420 (HB 687)

Alters/Rearranges Boundary Lines and Corporate Limits of Spanish Fort in Baldwin County

This act alters or rearranges the boundary lines and corporate limits of the City of Spanish Fort, Baldwin County, Alabama, to include within the corporate limits of the city all territory now within the corporate limits and certain other territory contiguous thereto; provides for referendum.

Effective Date: Contingent upon voter approval

Act 2015-421 (HB 691)

Levies a Lodging Tax in Pike County

This act levies a transient occupancy tax in Pike County equal to four percent on the charge of rooms, lodgings or accommodations; requires the tax to be due and payable to the Department of Revenue; provides for exemptions and distribution of proceeds from the tax.

Effective Date: September 1, 2015

Act 2015-449 (SB 486)

Authorizes Macon County Commission to Levy Excise Tax on Sales and Withdrawals of Gasoline and Motor Fuel Products in the County

This act authorizes the Macon County Commission to levy an excise tax on sales and withdrawals of gasoline and motor fuel products in the county, in an amount not to exceed two cents per gallon; provides for a specific tax exemption for any company or retailer of fuel products located or under construction in the county that has entered into a form project agreement with a local government of the county in the past 24 months; this exemption would be for a period of not less than 24 months; an additional exemption is granted for any form of fuel such as propane gas that is sold for lighting, heating or industrial use; within 30 days after tax has been imposed, every distributor, retail dealer, or storer shall furnish a report to the county commission showing the place and post office address at which the distributor, retailer dealer, or storer is engaged in business; failure to file reports and pay tax shall result in a Class C misdemeanor upon conviction; requires that an agent of any railroad company, bus or truck operator, or other transportation company or agency operating in the county will report to the county commission on the 15th of January, April, July and October of each year all shipments of gasoline or motor fuel handled and delivered in the county; the county commission may, by resolution, request the Department of Revenue to administrate and collect the tax levied.

Effective Date: June 9, 2015

General Revenue Related Acts 2015 First Special Session

Act 2015-502 (HB 18)

Automated Sales Suppression Device or Phantom-Ware Now a Class C Felony

This act amends Section 40-29-119; adds Section 40-19-121; makes the possession or use of an automated sales suppression device, or phantom-ware, a Class C felony; punished by a fine of not more than \$100,000, or \$500,000 in the case of a corporation; the person is also liable for all lost revenue due the state and any locality; illegal activity includes knowingly selling, purchasing, installing, transferring or being in possession of any automated sales suppression device or phantom-ware within the State of Alabama.

Effective Date: August 11, 2015

Act 2015-503 (HB 25)

Removes Existing Sales Tax Exemption from Certain Motor Vehicles

This act amends Section 40-23-2; provides the sale of automobiles, motorcycles, trucks, truck trailers and semi-trailers exempt from the 72-hour drive-out provision are subject to Alabama automotive sales tax unless the state in which the purchaser will title or register the vehicle allows an Alabama resident to purchase a motor vehicle for first titling and registration in Alabama without the payment of tax to that state; provides for the exclusion of vehicle campers and motor homes from the drive-out provision; excludes the collection of county and municipal sales tax on those transactions where the state sales tax is due on certain purchases of automotive vehicles to be registered or titled outside of Alabama in a state which does not allow an Alabama resident to purchase a vehicle without payment of tax to that state when it will be removed and titled in Alabama; requires that beginning on January 1, 2016, and each January 1 thereafter, the Department of Revenue will publish, on the Departmental website, a list of those states that do not allow drive-out provisions to Alabama residents; the Alabama seller of the automotive vehicles will be relieved of the sales tax liability if they rely on Revenue's listing of reciprocal states published on the Departmental website and the information published is incorrect.

Effective Date: January 1, 2016

Act 2015-504 (HB 42)

Creates the Alabama Taxpayer and Fraud Prevention Act

This act creates the Alabama Taxpayer and Fraud Prevention Act; amends Section 40-18-73; repeals the total withholding exemption; requires all employers to withhold taxes on all wages paid to employees; individual employees will file an individual income tax return with the Department of Revenue and can claim a refund if the taxpayer is entitled; Revenue may provide downloadable withholding forms in English and other languages on the Departmental website.

Effective Date: September 1, 2015

Act 2015-505 (HB 49)

Establishes a Factor Presence Nexus Standard for Business Activity for Income Tax Purposes

This act adds a new Section 40-18-31.2; establishes minimum factor presence nexus standard for nonresident individuals and business entities organized outside of the state; substantial nexus is established if any of the following thresholds are exceeded during the tax period: 1) \$50,000 for property, 2) \$50,000 for payroll, 3) \$500,000 for sales or 4) 25% of total property, total payroll or total sales; taxpayers whose business activities in Alabama do not exceed the defined/set minimum thresholds will not be required to file returns or pay the related business privilege tax, income tax and financial institution excise tax.

Effective Date: August 11, 2015. For tax years beginning after December 31, 2014.

Act 2015-506 (SB 23)

Removes License Plate Restrictions from National Guard Plates and Provides for the Acceptance of Electronic Evidence of Insurance

This act amends sections 31-2-12, 32-6-110, 40-12-244, and 32-7A-6; adds Section 32-7A-26; removes the restriction that the registration fee exemption for active and retired members of the Alabama National Guard or the Alabama State Guard must be applied to the distinctive National Guard plate; updates the law to include that the evidence of insurance may be provided either tangibly or in an electronic format with acceptable electronic formats such as those displayed as electronic images on a cellular phone or other electronic device; confirms that the use of a cellular phone or other electronic device to display evidence of insurance does not constitute consent to access any other contents on the electronic device by law enforcement or other governmental employees; provides that any law enforcement or governmental employee presented with an electronic device pursuant to insurance verification is immune from any liability resulting in damage to the electronic device; grants the Department of Revenue the authority to promulgate rules regarding electronic notices (i.e. insurance questionnaires, notices of suspension, reinstatement notices, etc.), allowing the department to send electronic notices, instead of paper notices, to the registrant; clarifies that the liability insurance policy must be an Alabama policy in order to be considered compliant with Alabama law.

Effective Date: August 11, 2015

Act 2015-527 (SB 46)

Provides for the Review by the Lieutenant Governor of Rules Disapproved by the Joint Committee on Administrative Regulation Review

This act amends Section 41-22-23, as amended by Act 2015-291; amends Section 4 of Act 2015-291 to specify that the Act will be prospective in operation to rulemaking commenced on or after October 1, 2015; provides for the review by the Lieutenant Governor of rules disapproved by the Joint Committee on Administrative Regulation Review under certain conditions; specifies that an agency may appeal the disapproval of a rule to the Lieutenant Governor with 15 days of the disapproval and the Lieutenant Governor will have an additional 15 days to review the disapproved rule; the appeal must be in the format of a written letter; the Office of the Lieutenant Governor will stamp the written appeal to denote the date the appeal was received; specifies that if the Office of the Lieutenant Governor is vacant, the rule would be suspended until adjournment of the next regular legislative session and would be reinstated at the time unless the Legislature sustains the disapproval by Joint Resolution; provides that the act will apply

prospectively to rulemaking commenced by an agency by the filing of a Notice of Intent pursuant to Section 41-22-5 on or after October 1, 2015.

Effective Date: October 1, 2015

Act 2015-534 (SB 24)

Requires Applicable Entities Exempt from Sales, Use and Lodgings Taxes to Obtain an Annual Certificate of Exemption

This act requires all persons or companies, including but not limited to those cited in Title 40, Chapter 9, other than governmental entities, which have a statutory exemption from the payment of sales, use and lodgings tax to annually obtain a certificate of exemption from the Department of Revenue; certificates of exemption shall be valid for one year from the date of issuance and will be renewed each year; this act applies only to entities that have been granted a general exemption from sales, use or lodgings tax; the purchase of tangible personal property that is exempt from sales or use tax does not trigger the requirements of the act; exempt entities include public corporations under the provisions of Chapter 50 of Title 11 (Public Utilities), Chapter 50A of Title 11 (Municipal Electric Authorities), Chapter 5 of Title 37 (Power Districts) and Chapter 7 of Title 39 (Improvement Authorities); any person or company that fails to renew a certificate will no longer be allowed to make tax-exempt purchases or rent tax-exempt accommodations; allows Revenue to assess persons or companies with state and local sales, use or lodgings tax for any transaction conducted with a certificate not properly accounted for and reported or renewed; allows for penalties to be assessed for non-compliance; provides that based on the person or company's willful misuse of the exemption, they may be barred from using the exemption for up to two years; any person or company who does not comply with reporting requirements will be subject to the following: 1) for the first offense, the entity will be barred from use of the exemption for six months, 2) for the second offense, the entity will be barred from use of the exemption for one year and, 3) for the third offense, the entity will be barred from use of the exemption until the person or company is authorized by joint resolution by the Alabama legislature; the reporting requirements and renewal shall be operative for all exempt persons or companies on January 1, 2016.

Effective Date: August 19, 2015. Reporting requirements and renewal of exemptions will be operative for all exempt entities on January 1, 2016.

Local Revenue Related Acts 2015 First Special Session

Act 2015-507 (SB 18)

Alters, Rearranges and Extends the Boundary Lines and Corporate Limits of Lincoln in Talladega County

This act alters, rearranges and extends the boundary lines and corporate limits of the City of Lincoln in Talladega County; provides for the police jurisdiction of the city.

Effective Date: August 11, 2015

Act 2015-513 (HB 03)

Allows Franklin County to Establish Fire Districts

This act provides that the existing volunteer fire districts in Franklin County and the City of Russellville constitute districts for the purpose of preventing fires and for fire protection; provides for the manner in which a new district may be formed and authorizes a referendum in each fire district to provide funding for the district through a fire protection service fee on each occupied residence, dwelling, or business; provides for certain exemptions for the service fee and the collection and distribution of the funds derived from the service fee.

Effective Date: Contingent upon voter approval

Act 2015-514 (HB 11)

Alters, Rearranges and Extends the Corporate Limits of Jacksonville in Calhoun County

This act amends Act 2015-332; alters, rearranges and extends the corporate limits of the City of Jacksonville in Calhoun County; corrects and restates the description of the corporate limits to make technical corrections.

Effective Date: November 29, 2015. Subsection (a) will not be operative until 90 days after September 1, 2015.

Act 2015-515 (HB 14)

Provides for the Distribution of Any Sales Tax Revenue Accruing from the Collection of Taxes at Shooting Ranges in Unincorporated Areas of Talladega County

This act amends Act 91-533, as amended by Act 2000-758; all revenue accruing from the collection of taxes at any shooting range in the unincorporated area of Talladega County will be earmarked in a special account in the Talladega County Special Tax Fund and used solely for the resurfacing of county roads in the unincorporated areas of the county.

Effective Date: August 14, 2015

Act 2015-523 (SB 11)

Allows Russell County to Levy a Fire Protection Service Fee

This act allows Russell County to levy a fire protection service fee on certain owners of residences (\$50 annually) and commercial buildings (\$100 annually) outside the corporate limits of the City of Phenix City; provides for the collection, accounting and uses of funds derived from the fee; provides for the distribution of the funds to eligible volunteer fire departments and to the Russell County Firefighters Association; provides for treatment of funds upon dissolution or

abandonment of an eligible volunteer fire department; provides that Russell County will be immune from certain liability; provides for a referendum.

Effective Date: Contingent upon voter approval

Act 2015-524 (SB 17)

Alters, Rearranges and Extends the Corporate Limits of Jacksonville in Calhoun County

This act amends Act 2015-332; alters, rearranges and extends the corporate limits of the City of Jacksonville in Calhoun County; corrects and restates the description of the corporate limits to make technical corrections.

Effective Date: November 29, 2015. Subsection (a) will not be operative until 90 days after September 1, 2015.

Act 2015-530 (SB 50)

Alters, Rearranges and Extends the Corporate Limits of Homewood in Jefferson County

This act alters, rearranges and extends the corporate limits of the municipality of the City of Homewood in Jefferson County.

Effective Date: November 1, 2015

General Revenue Related Acts 2015 Second Special Session

Act 2015-535 (HB 03)

Increases Tax on Cigarettes

This act amends Sections 40-23-1, 40-23-35, 40-25-2 and 40-25-5; increases the tax on cigarettes to \$0.675 per pack of 20 cigarettes; decreases the tobacco tax stamp discount to 4.75%; changes the distribution of sales tax on consumable vapor products; imposes a floor-stock tax; requires wholesalers of tobacco products to stamp cigarettes and collect tobacco tax when those products are sold to a reservation tobacco vendor in Alabama; provides for the refund of tobacco taxes paid by tribal members on purchases of cigarettes and other tobacco products purchased within the boundaries of a federally-recognized Indian reservation; notwithstanding any other provision of Chapter 25, Title 40, all revenue received from the increased cigarette tax will be deposited into the State General Fund for the Medicaid Program.

Effective Date: October 1, 2015

Act 2015-536 (HB 12)

Adds Secondary Supplemental Assessment to the Privilege Assessment on Nursing Facilities for Fiscal Years 2016 and 2017

This act amends Section 40-26B-21; adds a secondary supplemental assessment on each bed in a nursing facility for fiscal years 2016 and 2017; contingent upon a minimum General Fund appropriation to the Medicaid program in the 2016 fiscal year of \$685,000,000.00; for the period October 1, 2015 through August 31, 2017, an additional tax of \$401.28 annually per bed will be imposed.

Effective Date: October 1, 2015

Act 2015-537 (HB 08)

Supplemental Privilege Tax of 15 Cents for Each Prescription Filled or Refilled during Fiscal Years 2016 and 2017

This act levies a supplemental privilege tax rate of 15 cents (\$0.15) on each prescription filled or refilled for Alabama citizens during the 2016 and 2017 fiscal years; the supplemental tax takes effect on September 1, 2015; the supplemental privilege tax will cease to be collected on or before September 30, 2017, unless enabling legislation for its continuance is enacted by the Legislature.

Effective Date: September 1, 2015

Act 2015-538 (HB 29)

Annual Appropriation Cap for Education Trust fund Rolling Reserve Act to Include PACT

This act amends Sections 29-9-3, 29-9-4, 29-9-5 and 29-9-6; the calculation of the annual appropriation cap for the Education Trust Fund Rolling Reserve Act will include payments to the Prepaid Affordable College tuition (PACT) Trust Fund; any new recurring revenue measures and any changes in the distribution of Education recurring revenues enacted during the First or Second Special Sessions of 2015 will not require any addition or reduction in the fiscal year

appropriation cap for the fiscal year ending September 30, 2016; provides for the use of revenues from the Education Trust Fund Budget Stabilization Fund and the Education Trust Fund Advancement and Technology Fund.

Effective Date: September 17, 2015

Act 2015-539 (HB 30)

Changes to the Distribution of Use Tax Funds

This act amends Section 40-23-85; changes the distribution percentage of use tax; after the distribution of automotive use tax levied in 40-23-61(c) and after the distribution of remote use tax, any remaining amounts of use tax will be split between the Education Trust Fund (47%) and the General Fund (53%); an amount sufficient to fund the Children's Health Insurance Program shall be distributed annually as a first charge against the amounts allocated to the General Fund.

Effective Date: Contingent upon the enactment of House Bill 29 of the 2015 Second Special Session, which was enacted as Act 2015-538 with an effective date of September 17, 2015.

Act 2015-540 (HB 01)

General Fund FY 2016

This act makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 2016.

Effective Date: October 1, 2015

Act 2015-551 (HB 20)

Sales Tax Exemption for Motor Vehicles Exported or Removed From This State

This act amends Section 40-23-2; clarifies that, for sales of motor vehicles that will be registered or titled outside of Alabama, that are exported within 72 hours by the purchaser for first-time use outside Alabama, in no case will the amount of Alabama sales tax due exceed the amount that would be paid in the state where the vehicle is first registered or titled.

Effective Date: January 1, 2016

Act 2015-553 (HB 37)

Autocycles Defined; Regular Driver's License Required

This act adds Chapter 6A to Title 32; provides for the definition of an autocycle; it is defined as a motor vehicle that is designed to travel with three wheels on the ground, equipped with a steering wheel, equipped with seating that does not require the operator to straddle or sit astride the seat, and is manufactured and certified to comply with federal safety requirements for a motorcycle; requires that the operator of an autocycle be subject to the seat belt laws when operating the vehicle, and requires the autocycle to be licensed and registered in the same manner as a motorcycle for the purposes of Title 32 and Title 40; stipulates that operators 17 years of age or younger are subject to the operating hours, exceptions, and suspensions of Section 32-6-7.2.

Effective Date: September 21, 2015

Act 2015-555 (SB 20)

Provides an Amnesty Program for All Taxes Administered by the Department of Revenue, Except Motor Fuel Taxes

This act provides for an amnesty program to be implemented by Department of Revenue for at least two months during 2016, occurring before August 31, 2016; the amnesty program will apply to all taxes administered by the Department of Revenue, except the motor fuel taxes; the amnesty program will be available to eligible taxpayers; eligible taxpayers include those who have not been contacted by the Department regarding the tax types included in the amnesty application; ineligible taxpayers are those who have been contacted, who are parties to any criminal investigation or criminal litigations in any court of the United States or the State of Alabama; a 3 year look-back period will apply to tax types qualifying for the amnesty program; the look-back period is defined as the last 3 full years of delinquent returns; tax periods eligible for amnesty include: (1) Taxes due prior to January 1, 2015; or (2) Taxes for taxable periods that began before January 1, 2015; if amnesty application is approved, all penalties and ½ of interest will be waived; participation in the amnesty program shall be conditioned upon the agreement of the taxpayer that the right to protest or initiate an administrative or judicial proceeding is barred; the agreement shall only apply to the specific tax and the tax period for which amnesty is granted; no interest shall be paid on refunds for those amounts previously collected by the department from the taxpayer for a tax period for which amnesty is granted; for taxable periods beginning on or after January 1, 2016, and before December 31, 2023, taxpayers that participate in the amnesty and later fail to comply with any payment or filing provisions administered by the Department will be subject to the negligence penalty.

Effective Date: September 21, 2015. The amnesty program to be implemented by the Department of Revenue will occur for at least two months during 2016, occurring before August 31, 2016

Act 2015-556 (SB 13)

Removes Deferral of Ad Valorem Taxes on New Motor Vehicles Registered for First Time with Manufacturer's Certificate of Origin

This act amends Section 40-12-253; removes deferral of ad valorem taxes on a new motor vehicle registered for the first time with a manufacturer's certificate of origin where the motor vehicle meets the definition of Class IV property.

Effective Date: January 1, 2016

Local Revenue Related Acts 2015 Second Special Session

Act 2015-554 (HB 43)

Authorizes Lawrence County Commission to Levy a Sales & Use Tax Outside Corporate Limits

This act proposes to allow Lawrence County to levy additional sales tax rates in the unincorporated areas of the county and in the police jurisdictions of Moulton, Town Creek, North Courtland, and Hillsboro in amounts such that the total sales tax rate in those areas would be the same as the rates in the incorporated areas of the county, 9%; the levy would be effective on the first day of the third month following an election receiving a majority of favorable votes by qualified electors in the county.

Effective Date: Contingent upon voter approval