

1 SB135
2 189257-1
3 By Senator Bussman
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 09-JAN-18

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8 SYNOPSIS: Under existing law, termination dates are
9 established for enumerated state agencies. The
10 agencies are periodically reviewed by the Alabama
11 Sunset Committee. After the review process is
12 completed, the committee prepares its
13 recommendations for the agencies to the Legislature
14 in the form of sunset bills which either continue,
15 terminate, or continue with modification each
16 agency reviewed.

17 This bill would provide for the continuance
18 of the Elevator Safety Review Board, with the
19 following change: To remove the board from the
20 sunset review process.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to the Alabama Sunset Law; to continue the
27 existence and functioning of the Elevator Safety Review Board

1 with certain modifications; to amend Section 25-13-6, Code of
2 Alabama 1975, as amended by Act 2017-70, 2017 Regular Session,
3 so as to remove the board from the sunset review process.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Pursuant to the Alabama Sunset Law, the
6 Sunset Committee recommends the continuance of the Elevator
7 Safety Review Board, with the additional recommendation for
8 statutory change as set out in Section 3.

9 Section 2. The existence and functioning of the
10 Elevator Safety Review Board, created and functioning pursuant
11 to Sections 25-13-1 to 25-13-25, inclusive, Code of Alabama
12 1975, is continued, and those code sections are expressly
13 preserved.

14 Section 3. Section 25-13-6 of the Code of Alabama
15 1975, as amended by Act 2017-70, 2017 Regular Session, is
16 amended to read as follows:

17 "§25-13-6.

18 "(a) The board may consult with engineering
19 authorities and organizations concerned with standard safety
20 codes, rules, and regulations governing the operation,
21 maintenance, servicing, construction, alteration,
22 installation, and inspection of elevators, dumbwaiters,
23 escalators, and the qualifications which are adequate,
24 reasonable, and necessary for an elevator mechanic,
25 contractor, and inspector. Therefore, the board may recommend
26 the amendments of applicable legislation, when appropriate, to
27 legislators.

1 "(b) The board shall establish regulations for the
2 equipment regulated by this chapter. The regulations shall
3 include the Safety Code for Elevators and Escalators, ASME
4 A17.1; the Safety Code for Existing Elevators and Escalators,
5 ASME A17.3; the Safety Standards for Platform Lifts and
6 Stairway Chairlifts, ASME A18.1; and Automated People Mover
7 Standards, ASCE 21. The board shall adopt the latest editions
8 of the standards within six months of their effective date.
9 Any modifications to the standards that the administrator
10 deems necessary shall be justified in writing by the board.

11 "(c) The board may grant exceptions and variances
12 from the literal requirements of applicable code and
13 standards, regulations, or local legislation, or any
14 combination of these, in cases where such variances would not
15 jeopardize the public safety and welfare. The board may hear
16 appeals, hold hearings, and decide upon appeals within 30 days
17 of the appeal.

18 "(d) The board shall establish fee schedules for
19 licenses, permits, certificates, and inspections. The fees
20 shall reflect the actual costs and expenses to conduct the
21 duties as described in this chapter. All fees collected by the
22 administrator pursuant to this chapter shall be remitted to
23 the Elevator Safety Review Board Operational Fund in the State
24 Treasury to the credit of the board for its operation and for
25 the operation of the Department of Labor. Any funds
26 appropriated for the operation of the board that are not
27 needed for current operations as determined by the

1 administrator of the department and within the appropriation
2 ceiling of the board may be used for operation of the
3 department. All fees collected in the Elevator Safety Review
4 Board Operational Fund above the appropriated amount shall be
5 transferred to the State General Fund within one quarter after
6 the end of each fiscal year.

7 "(e) In addition, the administrator of the
8 department may transfer unused funds in the Elevator Safety
9 Review Board Operational Fund to the State General Fund.

10 ~~"(e) The board shall be subject to the Alabama
11 Sunset Law, Chapter 20, Title 41, as an enumerated agency as
12 provided in Section 41-20-3, and shall have a termination date
13 of October 1, 2005, and every four years thereafter, unless
14 continued pursuant to the Alabama Sunset Law."~~

15 Section 4. The Legislature concurs in the
16 recommendations of the Sunset Committee as provided in
17 Sections 1, 2, and 3.

18 Section 5. This act shall become effective
19 immediately upon its passage and approval by the Governor, or
20 its otherwise becoming law.