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3 CONFERENCE COMMITTEE SUBSTITUTE FOR SB55  
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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to fireworks and pyrotechnics; to amend  
14 Sections 8-17-210, 8-17-211, 8-17-216.1, 8-17-217, 8-17-218,  
15 8-17-219, 8-17-220, 8-17-225, 8-17-226, 8-17-237, 8-17-255,  
16 34-33-11, 34-33A-12, and 36-19-29, Code of Alabama 1975; and  
17 to add Section 36-19-31 to the Code of Alabama 1975; to  
18 redesignate common fireworks as consumer fireworks and to  
19 provide for the regulation of consumer fireworks; to increase  
20 the fees collected by the State Fire Marshal for issuing  
21 permits in the regulation of the manufacturing, sale, and  
22 display of fireworks and for the use of pyrotechnics before a  
23 proximate audience; to further provide for the operation of  
24 the State Fire Marshal's Fund and to provide retroactive  
25 effect; to provide for a transfer of five percent of the  
26 permit fees collected by the State Fire Marshal in the  
27 regulation of fireworks and pyrotechnics to the Alabama

1 Firefighters Annuity and Benefit Fund; and to specify that the  
2 fees may be increased at certain intervals according to  
3 increases in the Consumer Price Index.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 8-17-210, 8-17-211, 8-17-216.1,  
6 8-17-217, 8-17-218, 8-17-219, 8-17-220, 8-17-225, 8-17-226,  
7 8-17-237, 8-17-255, 34-33-11, 34-33A-12, and 36-19-29, Code of  
8 Alabama 1975, are amended to read as follows:

9 "§8-17-210.

10 "As used in this article, the following terms shall  
11 have the meanings ascribed to them in this section, unless  
12 clearly indicated otherwise:

13 "(1) AERIAL DEVICES. Any type of D.O.T. Class C  
14 Consumer Fireworks listed in the APA 87-1, Sections 3.1.2 and  
15 3.5.

16 "(2) ANNUAL RETAILER. Any person engaged in the  
17 business of making sales of fireworks to consumers within this  
18 state throughout the entire calendar year from January 1  
19 through December 31.

20 "(3) APA 87-1. The 2001 American Pyrotechnics  
21 Standard for Construction and Approval for Transportation of  
22 Fireworks, Novelties, and Theatrical Pyrotechnics.

23 "(4) AUDIBLE GROUND DEVICES. Any type of D.O.T.  
24 Class C Consumer Firework listed in APA 87-1, Section 3.1.3.

25 "~~(1)~~ (5) DISTRIBUTOR. Any person engaged in the  
26 business of making sales of fireworks for resale to all  
27 holders of the required Alabama permits who in turn shall

1 resell to any permit holder; or any person who receives,  
2 brings, or imports any fireworks of any kind into the State of  
3 Alabama, except to a holder of an Alabama manufacturer's or  
4 distributor's permit.

5 ~~"(2)(6)~~ D.O.T. CLASS C ~~COMMON~~ CONSUMER FIREWORKS.

6 All articles of fireworks as are now or hereafter classified  
7 as D.O.T. Class C ~~common~~ 1.4G Consumer fireworks in the  
8 regulations of the U.S. Department of Transportation for the  
9 transportation of explosive and other dangerous articles,  
10 including aerial devices and audible ground devices.

11 ~~"(8)(7)~~ FIREWORKS SEASONS. The dates of June 20  
12 through July 10 and December 15 through January 2 of each year  
13 shall be the only periods when seasonal retailers may sell  
14 fireworks.

15 ~~"(3)(8)~~ MANUFACTURER. Any person engaged in the  
16 making, manufacture, or construction of fireworks of any kind  
17 within the State of Alabama.

18 "(9) NFPA 1123. The National Fire Protection  
19 Association Code for Fireworks Display, as adopted by the  
20 State Fire Marshal.

21 "(10) NOVELTIES. Any device listed in APA 87-1,  
22 Section 3.2, including, without limitation, the following:

23 "a. Party poppers.

24 "b. Snappers.

25 "c. Toy smoke devices.

26 "d. Snake, glow worms.

27 "e. Wire sparklers, dipped sticks.

1           "~~(4)~~(11) PERMIT. The written authority of the State  
2 Fire Marshal issued under the authority of this article.

3           "~~(5)~~(12) PERSON. Includes any corporation,  
4 association, copartnership or one or more individuals.

5           "~~(6)~~ RETAILER. ~~Any person engaged in the business of~~  
6 ~~making sales of fireworks to consumers within the State of~~  
7 ~~Alabama during a calendar year from January 1 through December~~  
8 ~~31.~~

9           "~~(7)~~(13) SALE. An exchange of articles or fireworks  
10 for money, including barter, exchange, gift, or offer thereof,  
11 and each such transaction made by any person, whether as  
12 principal proprietor, salesman, agent, association,  
13 copartnership, or one or more individuals.

14           "~~(9)~~(14) SEASONAL RETAILER. Any person engaged in  
15 the business of making sales of fireworks to consumers within  
16 the State of Alabama during the fireworks season(s) only, from  
17 permanent buildings or temporary or moveable stands.

18           "(15) SPARKLING DEVICES. Handheld or ground based  
19 sparkling devices that are non-explosive and non-aerial and  
20 contain 75 grams or less of chemical compound per tube or a  
21 total of 500 grams or less for multiple tubes and other  
22 sparkling devices which emit showers of sparks and sometimes a  
23 whistling, spinning, or crackling effect when burning, but  
24 does not include aerial devices, audible ground devices, or  
25 anything that will detonate or explode.

26           "~~(10)~~(16) SPECIAL FIREWORKS. All articles of  
27 fireworks that are classified as Class B ~~explosives~~ 1.3G

1 fireworks in the regulations of the U.S. Department of  
2 Transportation, including all articles classified as fireworks  
3 other than those classified as Class C.

4 "~~(11)~~(17) WHOLESALE. Any person engaged in the  
5 business of making sales of fireworks to any other person  
6 engaged in the business of making sales at seasonal retail.

7 "§8-17-211.

8 "(a) It shall be unlawful for any person to  
9 manufacture, sell, offer for sale, or ship or cause to be  
10 shipped into or within the State of Alabama, except as herein  
11 provided, any item of fireworks or pyrotechnics for use before  
12 a proximate audience, without first having secured the  
13 required applicable permit, as a manufacturer, distributor,  
14 wholesaler, annual retailer, or seasonal retailer, from the  
15 State Fire Marshal. Possession of a permit is a condition  
16 prerequisite to manufacturing, selling, or offering for sale,  
17 or shipping or causing to be shipped any fireworks or  
18 pyrotechnics for use before a proximate audience into or  
19 within the State of Alabama, except as herein provided. This  
20 provision applies to nonresidents as well as residents of the  
21 State of Alabama. Mail orders where consumers purchase any  
22 fireworks or pyrotechnics for use before a proximate audience  
23 through the mail or receive any fireworks or pyrotechnics for  
24 use before a proximate audience in Alabama by mail, parcel  
25 service, or other carrier are prohibited. A sales clerk must  
26 be on duty to serve consumers at the time of purchase or  
27 delivery. All fireworks or pyrotechnics for use before a

1 proximate audience sold and delivered to consumers within the  
2 State of Alabama must take place within the State of Alabama  
3 and be sold and delivered only by an individual, firm,  
4 partnership, or corporation holding the proper Alabama permit  
5 and all fireworks or pyrotechnics for use before a proximate  
6 audience coming into the state, manufactured, sold, or stored  
7 within the state shall be under the supervision of the State  
8 Fire Marshal as provided for in this article.

9 "(b) Prior to engaging in the manufacture or sale  
10 within the State of Alabama, or shipment into the State of  
11 Alabama, of any fireworks or pyrotechnics for use before a  
12 proximate audience, each person making shipment or delivery or  
13 receiving any fireworks or pyrotechnics for use before a  
14 proximate audience into or within the State of Alabama, must  
15 make application on forms secured from the State Fire Marshal  
16 for a permit or permits required under this article for each  
17 location at which fireworks or pyrotechnics for use before a  
18 proximate audience are to be offered for sale.

19 "(c) A manufacturer's permit issued under this  
20 article shall be subject to rules and regulations promulgated  
21 by the State Fire Marshal to govern the manufacture of  
22 fireworks or pyrotechnics for use before a proximate audience  
23 as in the judgment of the State Fire Marshal the public  
24 welfare may require.

25 "(d) The decision of the State Fire Marshal as to  
26 what type of permit or permits shall be required of each  
27 person shall be final. The State Fire Marshal may deny a

1 permit to an applicant or revoke a permit if the State Fire  
2 Marshal has knowledge or reason to believe the safety  
3 standards and conditions of this article are not or cannot be  
4 met by the applicant. No permit shall be issued to a person  
5 under the age of 18 years. All permits shall be for the  
6 calendar year or any fraction thereof and shall expire on  
7 December 31 of each year, two days of grace shall be allowed  
8 holders of permits after expiration thereof. Only one seasonal  
9 retailer permit shall be required for a full calendar year and  
10 it shall be valid for both fireworks seasons, provided that  
11 the building is not moved from the location where it was  
12 originally permitted and no substantial structural or  
13 environmental changes have occurred. A seasonal retailer  
14 permit may be issued after July tenth for the remaining  
15 fireworks season of that calendar year. All permits issued  
16 must be displayed in their place of business. No permit  
17 provided for herein shall be transferable nor shall a person  
18 be permitted to operate under a permit issued to any other  
19 person or under a permit issued for another location, unless  
20 transfer shall have been approved by the State Fire Marshal.  
21 The holder of an annual retailer permit shall not be required  
22 to obtain a seasonal retailer permit.

23 "(e) The State Fire Marshal shall charge for permits  
24 issued as follows:

25 "(1) Manufacturer, ~~two~~ three thousand dollars  
26 ~~(\$2,000)~~ (\$3,000).

1                   "(2) Distributor, ~~two~~ three thousand dollars  
2                   ~~(\$2,000)~~ (\$3,000).

3                   "(3) Wholesaler, ~~seven hundred~~ one thousand dollars  
4                   ~~(\$700)~~ (\$1,000).

5                   "(4) ~~Retailer, two hundred dollars (\$200)~~. Annual  
6                   Retailer:

7                   "a. Of aerial devices, sparkling devices, audible  
8                   ground devices, and novelties, three hundred dollars (\$300)  
9                   per location.

10                   "b. Of only sparkling devices and novelties, one  
11                   hundred fifty dollars (\$150) per location.

12                   "c. Of only novelties, fifty dollars (\$50) per  
13                   location.

14                   "(5) Seasonal Retailer, ~~two three hundred dollars~~  
15                   ~~(\$200)~~.:

16                   a. Of aerial devices, sparkling devices, audible  
17                   ground devices, and novelties, three hundred dollars (\$300)  
18                   per location.

19                   b. Of only sparkling devices and novelties, one  
20                   hundred fifty dollars (\$150) per location.

21                   "(6) Seasonal Retailer after July 10, ~~one hundred~~  
22                   ~~dollars (\$100)~~ one-half the permit fee indicated in  
23                   subdivision (5).

24                   "(7) Display, ~~fifty dollars (\$50)~~ application filed  
25                   at least 10 business days before display date, seventy-five  
26                   dollars (\$75).



1                   "(8) Display, application filed less than 10  
2 business days before display date, one hundred fifty dollars  
3 (\$150).

4                   "(f) Only holders of ~~a~~ an annual retailer or  
5 seasonal retailer permit may engage in the retail sale of  
6 ~~permitted items as defined in Section 8-17-217~~ aerial devices,  
7 sparkling devices, audible ground devices, and novelties, in  
8 any quantity, to consumers.

9                   "(g) A holder of a manufacturer's permit is not  
10 required to have any additional permit or permits in order to  
11 sell to distributors, wholesalers, retailers, or seasonal  
12 retailers.

13                   "(h) A record of all sales by manufacturers,  
14 distributors, or wholesalers must be kept showing the names  
15 and addresses of purchasers. All fees collected for the  
16 permits shall be paid into the State Fire Marshal ~~Marshal's~~  
17 ~~Revolving~~ Fund for the enforcement of this article. The State  
18 Fire Marshal may designate a deputy fire marshal as the  
19 "fireworks enforcement officer" who shall have the  
20 responsibility of directing enforcement of the state fireworks  
21 laws.

22                   "(i) The State Fire Marshal is charged with the  
23 enforcement of this article and may call upon any state or  
24 county or city peace officer for assistance in the enforcement  
25 of this article. The fire marshal is not authorized to  
26 promulgate rules or regulations in conflict with or that go  
27 beyond the scope or intent of this article.

1           "(j) Every five years, the State Fire Marshal may  
2           increase the fees by the percentage increase in the Consumer  
3           Price Index for all urban consumers as published by the U.S.  
4           Department of Labor, Bureau of Labor Statistics from the end  
5           of December 2020, to the end of the month preceding the month  
6           in which the fee increase is to be effective, rounded down to  
7           the nearest dollar. The increase may not exceed two percent  
8           per year.

9           "§8-17-216.1.

10           "(a) The use of pyrotechnics before a proximate  
11           audience shall comply with the requirements set out in the  
12           latest edition of the National Fire Protection Association's  
13           Standard for the Use of Pyrotechnics Before a Proximate  
14           Audience (NFPA 1126) as shall be adopted by the State Fire  
15           Marshal. For purposes of this article, the term "proximate  
16           audience" shall mean an indoor audience closer to pyrotechnic  
17           devices than permitted by the National Fire Protection  
18           Association's Code for Fireworks Display (NFPA 1123).

19           "(b) No person shall use pyrotechnics before a  
20           proximate audience without first obtaining a permit therefor  
21           from the State Fire Marshal. An application for a permit for  
22           the use of pyrotechnics at an event with a proximate audience  
23           shall be filed with the State Fire Marshal not less than 10  
24           days prior to the planned date of the event. The State Fire  
25           Marshal may accept an application for a permit under this  
26           section less than 10 days before the planned date of the event

1 if accompanied by a fee of double the amount otherwise  
2 required.

3 "(c) The request for a permit under subsection (b)  
4 shall be in the form and manner prescribed by the State Fire  
5 Marshal. The permit shall be in addition to any locally  
6 required permit or approval.

7 "(d) A fee of one hundred fifty dollars ~~(\$100)~~  
8 (\$150) per event shall be submitted with each application.

9 "(e) Where more than one event is to take place at  
10 the same location during the same calendar date, a separate  
11 application shall be filed for each event. The application fee  
12 for the second and subsequent events on the same calendar date  
13 shall be ~~fifty~~ seventy-five dollars ~~(\$50)~~ (\$75) per event.

14 "(f) The State Fire Marshal may prescribe such other  
15 and additional requirements associated with the use of  
16 pyrotechnics before a proximate audience as are deemed  
17 necessary for the safety of property and persons present at  
18 the proximate event location.

19 "(g) All pyrotechnics found at an event with a  
20 proximate audience which does not have a permit shall be  
21 confiscated and destroyed by the State Fire Marshal or his or  
22 her designee.

23 "(h) All fees collected pursuant to this section  
24 shall be paid into the State Fire Marshal ~~Marshal's~~ Revolving  
25 Fund for the enforcement of this article.

26 "(i) Every five years, the State Fire Marshal may  
27 increase the fees by the percentage increase in the Consumer

1 Price Index for all urban consumers as published by the U.S.  
2 Department of Labor, Bureau of Labor Statistics from the end  
3 of December 2020, to the end of the month preceding the month  
4 in which the fee increase is to be effective, rounded down to  
5 the nearest dollar. The increase may not exceed two percent  
6 per year.

7 "§8-17-217.

8 "(a) It shall be unlawful for an individual, firm,  
9 partnership, or corporation to possess, sell, or use within  
10 the State of Alabama, or ship into the State of Alabama,  
11 except as provided in Section 8-17-216, any pyrotechnics  
12 commonly known as "fireworks" other than items now or  
13 hereafter classified as Class C ~~common~~ consumer fireworks by  
14 the United States Department of Transportation, including, but  
15 not limited to, aerial devices, audible ground devices,  
16 sparkling devices, and novelties and/or those items that  
17 comply with the construction, chemical composition, and  
18 labeling regulations promulgated by the United States Consumer  
19 Product Safety Commission and permitted for use by the general  
20 public under their regulations.

21 "(b) Permitted items designed to produce an audible  
22 effect are confined to small ground items which include  
23 firecrackers containing not over 50 milligrams of explosive  
24 composition and aerial devices containing not over 130  
25 milligrams of explosive composition. Propelling or expelling  
26 charge consisting of a mixture of charcoal, sulfur and

1 potassium nitrate are not considered as designed to produce an  
2 audible effect.

3 "(c) Items permitted and for which a permit is  
4 required shall include related items not classified by the  
5 United States Department of Transportation as ~~common~~ consumer  
6 fireworks, but identified under their regulations as trick  
7 noisemakers, toy novelties, toy smoke devices and sparklers  
8 and shall include toy snakes, snappers, auto burglar alarms,  
9 smoke balls, smoke novelty items, and wire sparklers  
10 containing not over 100 grams of composition per item.  
11 Sparklers containing any chlorate or perchlorate salts may not  
12 exceed five grams of composition per item.

13 "§8-17-218.

14 "All items of fireworks which exceed the two grain  
15 limit of D.O.T. Class C ~~common~~ consumer fireworks as to  
16 explosive composition, such items being commonly referred to  
17 as "illegal ground salutes" designed to produce an audible  
18 effect, are expressly prohibited from shipment into,  
19 manufacture, possession, sale, and use within the State of  
20 Alabama for any purpose. This ~~subsection~~ section shall not  
21 affect display fireworks authorized by this article<sup>7</sup>.

22 "§8-17-219.

23 "No permissible article of fireworks or related  
24 items defined in Section 8-17-217 shall be sold, offered for  
25 sale or possessed within the state or used within the state,  
26 except as provided in Section 8-17-216 unless it shall be  
27 properly named to conform to the nomenclature of Section

1 8-17-217. Items must be identified on the shipping cases and  
2 by imprinting on the article or retail sales container or unit  
3 "D.O.T. Class C ~~Common~~ Consumer Fireworks" or other  
4 appropriate classification or identification as may be  
5 applicable or required by any federal agency having  
6 jurisdiction over fireworks on related items; such imprint to  
7 be of sufficient size and so positioned as to be readily  
8 recognized by law enforcement authorities and the general  
9 public.

10 §8-17-220.

11 "Permissible items of fireworks, defined in Section  
12 8-17-217, may be sold at retail to residents of the State of  
13 Alabama. The term "fireworks" shall not include toy paper  
14 pistol caps which contain less than twenty-five hundredths  
15 grains of explosive compounds, model rockets, emergency signal  
16 flares, matches, ~~cone, bottle, tube, and other type serpentine~~  
17 ~~pop-off novelties,~~ trick matches and cigarette loads, the sale  
18 and use of which shall be permitted at all times without a  
19 special fireworks permit.

20 §8-17-225.

21 "The State Fire Marshal shall seize as contraband  
22 any fireworks other than the permitted "Class C ~~Common~~  
23 Consumer Fireworks" and related items defined in Section  
24 8-17-217 or "special fireworks" for public displays as  
25 provided in Section 8-17-216, which are sold, displayed, used,  
26 or possessed in violation of this article. The ~~fire marshall~~

1 ~~is authorized to~~ State Fire Marshal may destroy any illegal  
2 fireworks so seized.

3 "§8-17-226.

4 "(a) This article shall in no wise affect the  
5 validity of any city ordinance further restricting the sale or  
6 use of ~~fireworks~~ aerial devices and audible ground devices,  
7 including the authority to adopt ordinances related to aerial  
8 devices, sparkling devices, and audible ground devices in  
9 accordance with Section 11-45-9.1.

10 "(b) A municipality may enact an ordinance further  
11 restricting the sale or use of sparkling devices or novelties.  
12 The State Fire Marshal shall keep a current listing of those  
13 municipalities that have enacted an ordinance further  
14 restricting the sale or use of sparkling devices or novelties.  
15 This subsection shall not affect any existing ordinance in a  
16 Class 1 municipality.

17 "(c) Nothing in this section shall be construed to  
18 limit or restrict a municipality from including the revenue  
19 derived from the devices listed above from the gross receipts  
20 calculation used as the basis for a retailer's existing  
21 business license as provided in Section 11-51-90.

22 "§8-17-237.

23 "(a) A pyrotechnics display operator license or  
24 pyrotechnic special effects operator license issued under this  
25 article authorizes the holder to act pursuant to that license  
26 until the license is suspended, revoked, or not renewed. Upon  
27 the suspension or revocation of a license, or the failure to

1 renew a license, the licensee shall return the license to the  
2 State Fire Marshal. Each license is valid for two years,  
3 unless suspended or revoked.

4 "(b) All fees collected pursuant to this article  
5 shall be deposited in the State Treasury to the credit of the  
6 State Fire Marshal's Fund authorized in Section ~~24-5-10~~  
7 36-19-31. The State Fire Marshal may expend monies from the  
8 State Fire Marshal's Fund for the administration and  
9 enforcement of this article.

10 "§8-17-255.

11 "All sums received through the payment of fees, the  
12 recovery of civil penalties, grants, and appropriations by the  
13 Legislature shall be deposited in the State Treasury and  
14 credited to the State Fire Marshal's Fund authorized by  
15 Section 36-19-31. This fund shall be available to the State  
16 Fire Marshal for the operation of the State Fire Marshal's  
17 Offices, including expenditure in the administration and  
18 enforcement of this article, Article 8, Article 8A, and  
19 Article 10, training, ~~and~~ research programs, and to support  
20 fire safety and prevention programs. Provided, however, that  
21 no funds shall be withdrawn or expended except as budgeted and  
22 allocated according to Sections 41-4-80 to 41-4-96 and  
23 Sections 41-19-1 to 41-19-12, inclusive, and only in amounts  
24 as stipulated in the general appropriations bills or other  
25 appropriations bills. Any unencumbered and any unexpended  
26 balance of this fund remaining at the end of any fiscal year  
27 shall not lapse or revert to the General Fund, but shall be



1 carried forward for the purposes of this article until  
2 expended.

3 "§34-33-11.

4 "All funds collected pursuant to this chapter shall  
5 be deposited in the State Treasury to the credit of the State  
6 Fire Marshal's Fund authorized by Section ~~24-5-10~~ 36-19-31.  
7 The State Fire Marshal shall be authorized to expend moneys  
8 from the State Fire Marshal's Fund for the administration and  
9 enforcement of this chapter. The State Fire Marshal shall be  
10 allowed to receive grants and donations from associations,  
11 firms, or individuals who are interested in the upgrading and  
12 quality of fire protection sprinkler systems.

13 "§34-33A-12.

14 "All funds collected pursuant to this chapter shall  
15 be deposited in the State Treasury to the credit of the State  
16 Fire Marshal's Fund authorized in Section ~~24-5-10~~ 36-19-31.  
17 The State Fire Marshal may expend moneys from the State Fire  
18 Marshal's Fund for the administration and enforcement of this  
19 chapter. The State Fire Marshal may receive grants and  
20 donations from associations, firms, or individuals who are  
21 interested in the upgrading and quality of fire alarm systems  
22 in compliance with Alabama state ethics laws.

23 "§36-19-29.

24 "All penalties, ~~fees~~ or forfeitures collected under  
25 the provisions of this article, unless otherwise provided,  
26 shall be placed in the General Fund of the State."

1           Section 2. Section 36-19-31 is added to the Code of  
2 Alabama 1975, to read as follows:

3           §36-19-31.

4           (a) There is established in the State Treasury a  
5 special fund to be known as the State Fire Marshal's Fund. All  
6 sums received by the State Fire Marshal's Office through the  
7 payment of fees, the recovery of civil penalties, grants, and  
8 appropriations by the Legislature, including funds received  
9 pursuant to Article 8, Article 8A, Article 9, and Article 10  
10 of Chapter 17 of Title 8, and pursuant to Chapter 33 and  
11 Chapter 33A of Title 34, shall be deposited in the State Fire  
12 Marshal's Fund.

13           (b) The State Fire Marshal's Fund shall be expended  
14 for the operation of the State Fire Marshal's Office,  
15 including the administration and enforcement of Article 8,  
16 Article 8A, Article 9, and Article 10 of Chapter 17 of Title  
17 8, and of Chapter 33 and Chapter 33A of Title 34, for training  
18 and research programs, and to support fire safety and  
19 prevention programs.

20           (c) No funds shall be withdrawn or expended from the  
21 State Fire Marshal's Fund except as budgeted and allotted  
22 according to Sections 41-4-80 to 41-4-96, inclusive, and  
23 41-19-1 to 41-19-12, inclusive, and only in amounts as  
24 stipulated in the general appropriations act, or other  
25 appropriations act. Any unencumbered and unexpended balance of  
26 the fund remaining at the end of any fiscal year shall not

1 lapse or revert to the General Fund but shall be carried  
2 forward to the next fiscal year.

3 Section 3. On a semiannual basis, the State Fire  
4 Marshal shall transfer from the State Fire Marshal's Fund to  
5 the Alabama Firefighters Annuity and Benefit Fund established  
6 pursuant to Section 36-21-185, Code of Alabama 1975, an amount  
7 equal to five percent of the fees collected by the State Fire  
8 Marshal during the previous six months pursuant to Sections  
9 8-17-211 and 8-17-216.1, Code of Alabama 1975, as currently  
10 provided or as those fees may be hereafter adjusted.

11 Section 4. The deposit of any funds in the State  
12 Fire Marshal's Fund and the expenditure of any funds from the  
13 State Fire Marshal's Fund prior to the effective date of this  
14 act are ratified and confirmed.

15 Section 5. This act shall become effective 60 days  
16 following its passage and approval by the Governor, or its  
17 otherwise becoming law.