

1 HB386
2 207504-3
3 By Representative Rich
4 RFD: Insurance
5 First Read: 09-FEB-21

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8 SYNOPSIS: Under existing law, the State Fire Marshal
9 collects certain fees for issuing permits in the
10 regulation of the manufacturing, sale, and display
11 of fireworks, including those defined as common
12 fireworks, and for the use of pyrotechnics before a
13 proximate audience, all fees so collected are paid
14 into the State Fire Marshal's Fund for the
15 enforcement of those laws, and these fees are
16 subject to being increased according to changes in
17 the Consumer Price Index.

18 This bill would redesignate common fireworks
19 as consumer fireworks and would provide for a
20 specific designation of sparkling devices and
21 novelties as defined under federal law. The bill
22 would specify that a city and county ordinance
23 could not conflict with this act for these items.

24 This bill would increase the fees collected
25 by the State Fire Marshal for issuing permits in
26 the regulation of the manufacturing, sale, and

1 display of fireworks and for the use of
2 pyrotechnics before a proximate audience.

3 This bill would also provide for a
4 semi-annual transfer of five percent of the permit
5 fees collected by the State Fire Marshal in the
6 regulation of fireworks and pyrotechnics to the
7 Alabama Firefighters Annuity and Benefit Fund.

8 This bill would also specify that the fees
9 may be increased at certain intervals according to
10 increases in the Consumer Price Index.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 Relating to fireworks and pyrotechnics; to amend
17 Sections 8-17-210, 8-17-211, 8-17-216.1, 8-17-217, 8-17-218,
18 8-17-219, 8-17-220, 8-17-225, 8-17-226, 8-17-237, 8-17-255,
19 34-33-11, 34-33A-12, and 36-19-29, Code of Alabama 1975; and
20 to add Section 36-19-31 to the Code of Alabama 1975; to
21 redesignate common fireworks as consumer fireworks and to
22 provide for the regulation of consumer fireworks; to specify
23 that city and county ordinances may not conflict with the
24 regulation of certain sparkling devices and novelty fireworks
25 as defined in this act; to increase the fees collected by the
26 State Fire Marshal for issuing permits in the regulation of
27 the manufacturing, sale, and display of fireworks and for the

1 use of pyrotechnics before a proximate audience; to further
2 provide for the operation of the State Fire Marshal's Fund and
3 to provide retroactive effect; to provide for a transfer of
4 five percent of the permit fees collected by the State Fire
5 Marshal in the regulation of fireworks and pyrotechnics to the
6 Alabama Firefighters Annuity and Benefit Fund; and to specify
7 that the fees may be increased at certain intervals according
8 to increases in the Consumer Price Index.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 "§8-17-210.

15 "As used in this article, the following terms shall
16 have the meanings ascribed to them in this section, unless
17 clearly indicated otherwise:

18 "(1) AERIAL DEVICES. Any type of D.O.T. Class C
19 Consumer Fireworks listed in the APA 87-1, Sections 3.1.2 and
20 3.5.

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

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

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

3 "~~(1)~~(5) DISTRIBUTOR. Any person engaged in the
4 business of making sales of fireworks for resale to all
5 holders of the required Alabama permits who in turn shall
6 resell to any permit holder; or any person who receives,
7 brings, or imports any fireworks of any kind into the State of
8 Alabama, except to a holder of an Alabama manufacturer's or
9 distributor's permit.

10 "~~(2)~~(6) D.O.T. CLASS C ~~COMMON~~ CONSUMER FIREWORKS.
11 All articles of fireworks as are now or hereafter classified
12 as D.O.T. Class C ~~common~~ 1.4G Consumer fireworks in the
13 regulations of the U.S. Department of Transportation for the
14 transportation of explosive and other dangerous articles,
15 including aerial devices, audible ground devices, and
16 sparkling devices.

17 "~~(8)~~(7) FIREWORKS SEASONS. The dates of June 20
18 through July 10 and December 15 through January 2 of each year
19 shall be the only periods when seasonal retailers may sell
20 fireworks.

21 "~~(3)~~(8) MANUFACTURER. Any person engaged in the
22 making, manufacture, or construction of fireworks of any kind
23 within the State of Alabama.

24 "(9) NFPA 1123. The National Fire Protection
25 Association Code for Fireworks Display, as adopted by the
26 State Fire Marshal.

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

3 "a. Party poppers.

4 "b. Snappers.

5 "c. Toy smoke devices.

6 "d. Snake, glow worms.

7 "e. Wire sparklers, dipped sticks.

8 ~~"(4)(11)~~ PERMIT. The written authority of the State
9 Fire Marshal issued under the authority of this article.

10 ~~"(5)(12)~~ PERSON. Includes any corporation,
11 association, copartnership or one or more individuals.

12 ~~"(6) RETAILER. Any person engaged in the business of~~
13 ~~making sales of fireworks to consumers within the State of~~
14 ~~Alabama during a calendar year from January 1 through December~~
15 ~~31.~~

16 ~~"(7)(13)~~ SALE. An exchange of articles or fireworks
17 for money, including barter, exchange, gift, or offer thereof,
18 and each such transaction made by any person, whether as
19 principal proprietor, salesman, agent, association,
20 copartnership, or one or more individuals.

21 ~~"(9)(14)~~ SEASONAL RETAILER. Any person engaged in
22 the business of making sales of fireworks to consumers within
23 the State of Alabama during the fireworks season(s) only, from
24 permanent buildings or temporary or moveable stands.

25 "(15) SPARKLING DEVICES. Handheld or ground based
26 sparkling devices that are non-explosive and non-aerial and
27 contain 75 grams or less of chemical compound per tube or a

1 total of 500 grams or less for multiple tubes and other
2 sparkling devices which emit showers of sparks and sometimes a
3 whistling, spinning, or crackling effect when burning, but
4 does not include aerial devices, audible ground devices, or
5 anything that will detonate or explode.

6 "~~(10)~~ (16) SPECIAL FIREWORKS. All articles of
7 fireworks that are classified as Class B ~~explosives~~ 1.3G
8 fireworks in the regulations of the U.S. Department of
9 Transportation, including all articles classified as fireworks
10 other than those classified as Class C.

11 "~~(11)~~ (17) WHOLESALER. Any person engaged in the
12 business of making sales of fireworks to any other person
13 engaged in the business of making sales at seasonal retail.

14 "§8-17-211.

15 "(a) It shall be unlawful for any person to
16 manufacture, sell, offer for sale, or ship or cause to be
17 shipped into or within the State of Alabama, except as herein
18 provided, any item of fireworks or pyrotechnics for use before
19 a proximate audience, without first having secured the
20 required applicable permit, as a manufacturer, distributor,
21 wholesaler, annual retailer, or seasonal retailer, from the
22 State Fire Marshal. Possession of a permit is a condition
23 prerequisite to manufacturing, selling, or offering for sale,
24 or shipping or causing to be shipped any fireworks or
25 pyrotechnics for use before a proximate audience into or
26 within the State of Alabama, except as herein provided. This
27 provision applies to nonresidents as well as residents of the

1 State of Alabama. Mail orders where consumers purchase any
2 fireworks or pyrotechnics for use before a proximate audience
3 through the mail or receive any fireworks or pyrotechnics for
4 use before a proximate audience in Alabama by mail, parcel
5 service, or other carrier are prohibited. A sales clerk must
6 be on duty to serve consumers at the time of purchase or
7 delivery. All fireworks or pyrotechnics for use before a
8 proximate audience sold and delivered to consumers within the
9 State of Alabama must take place within the State of Alabama
10 and be sold and delivered only by an individual, firm,
11 partnership, or corporation holding the proper Alabama permit
12 and all fireworks or pyrotechnics for use before a proximate
13 audience coming into the state, manufactured, sold, or stored
14 within the state shall be under the supervision of the State
15 Fire Marshal as provided for in this article.

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

26 "(c) A manufacturer's permit issued under this
27 article shall be subject to rules and regulations promulgated

1 by the State Fire Marshal to govern the manufacture of
2 fireworks or pyrotechnics for use before a proximate audience
3 as in the judgment of the State Fire Marshal the public
4 welfare may require.

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

1 The holder of an annual retailer permit shall not be required
2 to obtain a seasonal retailer permit.

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

5 "(1) Manufacturer, ~~two~~ three thousand dollars
6 ~~(\$2,000)~~ (\$3,000).

7 "(2) Distributor, ~~two~~ three thousand dollars
8 ~~(\$2,000)~~ (\$3,000).

9 "(3) Wholesaler, ~~seven hundred~~ one thousand dollars
10 ~~(\$700)~~ (\$1,000).

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

13 "a. Of aerial devices, sparkling devices, audible
14 ground devices, and novelties, three hundred dollars (\$300)
15 per location.

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

18 "c. Of only novelties, one hundred dollars (\$100)
19 per location.

20 "(5) Seasonal Retailer, ~~two three hundred dollars~~
21 ~~(\$200).~~ :

22 a. Of aerial devices, sparkling devices, audible
23 ground devices, and novelties, three hundred dollars (\$300)
24 per location.

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

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

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

7 "(8) Display, application filed less than 10
8 business days before display date, one hundred fifty dollars
9 (\$150).

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

15 "(g) A holder of a manufacturer's permit is not
16 required to have any additional permit or permits in order to
17 sell to distributors, wholesalers, retailers, or seasonal
18 retailers.

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

1 "(i) The State Fire Marshal is charged with the
2 enforcement of this article and may call upon any state or
3 county or city peace officer for assistance in the enforcement
4 of this article. The fire marshal is not authorized to
5 promulgate rules or regulations in conflict with or that go
6 beyond the scope or intent of this article.

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

15 "§8-17-216.1.

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

25 "(b) No person shall use pyrotechnics before a
26 proximate audience without first obtaining a permit therefor
27 from the State Fire Marshal. An application for a permit for

1 the use of pyrotechnics at an event with a proximate audience
2 shall be filed with the State Fire Marshal not less than 10
3 days prior to the planned date of the event. The State Fire
4 Marshal may accept an application for a permit under this
5 section less than 10 days before the planned date of the event
6 if accompanied by a fee of double the amount otherwise
7 required.

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

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

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

19 "(f) The State Fire Marshal may prescribe such other
20 and additional requirements associated with the use of
21 pyrotechnics before a proximate audience as are deemed
22 necessary for the safety of property and persons present at
23 the proximate event location.

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

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

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

12 "§8-17-217.

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

26 "(b) Permitted items designed to produce an audible
27 effect are confined to small ground items which include

1 firecrackers containing not over 50 milligrams of explosive
2 composition and aerial devices containing not over 130
3 milligrams of explosive composition. Propelling or expelling
4 charge consisting of a mixture of charcoal, sulfur and
5 potassium nitrate are not considered as designed to produce an
6 audible effect.

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

17 "§8-17-218.

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

26 "§8-17-219.

1 "No permissible article of fireworks or related
2 items defined in Section 8-17-217 shall be sold, offered for
3 sale or possessed within the state or used within the state,
4 except as provided in Section 8-17-216 unless it shall be
5 properly named to conform to the nomenclature of Section
6 8-17-217. Items must be identified on the shipping cases and
7 by imprinting on the article or retail sales container or unit
8 "D.O.T. Class C ~~Common~~ Consumer Fireworks" or other
9 appropriate classification or identification as may be
10 applicable or required by any federal agency having
11 jurisdiction over fireworks on related items; such imprint to
12 be of sufficient size and so positioned as to be readily
13 recognized by law enforcement authorities and the general
14 public.

15 "§8-17-220.

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

25 "§8-17-225.

26 "The State Fire Marshal shall seize as contraband
27 any fireworks other than the permitted "Class C ~~Common~~

1 Consumer Fireworks" and related items defined in Section
2 8-17-217 or "special fireworks" for public displays as
3 provided in Section 8-17-216, which are sold, displayed, used,
4 or possessed in violation of this article. The ~~fire marshall~~
5 ~~is authorized to~~ State Fire Marshal may destroy any illegal
6 fireworks so seized.

7 "§8-17-226.

8 "(a) This article shall in no wise affect the
9 validity of any city ordinance further restricting the sale or
10 use of ~~fireworks~~ aerial devices and audible ground devices,
11 including the authority to adopt ordinances related to aerial
12 devices and audible ground devices in accordance with Section
13 11-45-9.1.

14 "(b) No city or county may enact any ordinance or
15 local law in conflict with this chapter or related to the
16 transportation, storage, retail sale, or possession of
17 sparkling devices or novelties.

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

23 "§8-17-237.

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

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

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

11 "§8-17-255.

12 "All sums received through the payment of fees, the
13 recovery of civil penalties, grants, and appropriations by the
14 Legislature shall be deposited in the State Treasury and
15 credited to the State Fire Marshal's Fund authorized by
16 Section 36-19-31. This fund shall be available to the State
17 Fire Marshal for the operation of the State Fire Marshal's
18 Offices, including expenditure in the administration and
19 enforcement of this article, Article 8, Article 8A, and
20 Article 10, training, and research programs, and to support
21 fire safety and prevention programs. Provided, however, that
22 no funds shall be withdrawn or expended except as budgeted and
23 allocated according to Sections 41-4-80 to 41-4-96 and
24 Sections 41-19-1 to 41-19-12, inclusive, and only in amounts
25 as stipulated in the general appropriations bills or other
26 appropriations bills. Any unencumbered and any unexpended
27 balance of this fund remaining at the end of any fiscal year

1 shall not lapse or revert to the General Fund, but shall be
2 carried forward for the purposes of this article until
3 expended.

4 "§34-33-11.

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

14 "§34-33A-12.

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

24 "§36-19-29.

25 "All penalties, ~~fees~~ or forfeitures collected under
26 the provisions of this article, unless otherwise provided,
27 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 on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.