

1 HB398  
2 205313-1  
3 By Representative Sanderford  
4 RFD: Ways and Means General Fund  
5 First Read: 10-FEB-21

SYNOPSIS: Under existing law, some occupational licensing boards are required to transfer a portion of their unencumbered funds to the State General Fund at the end of each fiscal year.

This bill would remove that requirement for the State Licensing Board for General Contractors, the Alabama Onsite Wastewater Board, the Alabama State Board of Respiratory Therapy, and the Alabama Board of Electrical Contractors.

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 34-8-25, 34-21A-6, 34-27B-6, and 34-36-17, Code of Alabama 1975, relating to the funds of the State Licensing Board for General Contractors, the Alabama Onsite Wastewater Board, the Alabama State Board of Respiratory Therapy, and the Alabama Board of Electrical

1 Contractors; to remove the requirement that monies in those  
2 funds annually transfer to the State General Fund.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 34-8-25, 34-21A-6, 34-27B-6, and  
5 34-36-17 of the Code of Alabama 1975, are amended to read as  
6 follows:

7 "§34-8-25.

8 "The secretary-treasurer shall keep a record of the  
9 proceedings of the board, shall receive and account for all  
10 the ~~moneys~~ monies derived from the operation of this chapter  
11 and shall deposit, or cause to be deposited, all such ~~moneys~~  
12 monies in the State Treasury to the credit of the State  
13 Licensing Board for General Contractors; and the funds shall  
14 be subject to withdrawal only upon warrant of the state  
15 Comptroller to be issued upon certificate or voucher certified  
16 by the secretary-treasurer of the board. ~~Any funds remaining~~  
17 ~~in the State Treasury to the credit of the State Licensing~~  
18 ~~Board for General Contractors at the end of each year shall be~~  
19 ~~paid into the General Fund of the state on or before January~~  
20 ~~15 in each succeeding year. The board has the right, however,~~  
21 ~~at all times to retain a sum not in excess of 33 percent of~~  
22 ~~its budget of the previous year to meet any emergency that may~~  
23 ~~arise which may affect its efficient operation.~~

24 "§34-21A-6.

25 "~~(a)~~ There is hereby established a separate special  
26 fund in the State Treasury to be known as the "Alabama Onsite  
27 Wastewater Board Fund." All receipts and monies collected

1 under this chapter shall be deposited in the fund and used  
2 only to carry out ~~the provisions of~~ this chapter. The fund  
3 shall be disbursed only by warrant of the state Comptroller  
4 upon the State Treasury upon itemized vouchers approved by the  
5 executive director. No funds shall be withdrawn or expended  
6 except as budgeted and allotted according to Sections 41-4-80  
7 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and  
8 only in amounts as stipulated in the general appropriation  
9 bill or other appropriation bills.

10 ~~"(b) Any funds unspent and unencumbered at the end  
11 of each fiscal year that exceed 25 percent of the board's  
12 budget for the previous fiscal year shall be transferred to  
13 the State General Fund.~~

14 "§34-27B-6.

15 "There is established a separate special trust fund  
16 in the State Treasury to be known as the Alabama State Board  
17 of Respiratory Therapy Fund. All funds received by the board  
18 shall be deposited into the fund and shall be expended only to  
19 implement and administer this chapter. No monies shall be  
20 withdrawn or expended from the fund for any purpose unless the  
21 monies have been appropriated by the Legislature and allocated  
22 pursuant to this chapter. Any monies appropriated shall be  
23 budgeted and allocated pursuant to the Budget Management Act  
24 in accordance with Article 4, commencing with Section 41-4-80,  
25 of Chapter 4 of Title 41, and only in the amounts provided by  
26 the Legislature in the general appropriations act or other  
27 appropriations act. Funds shall be disbursed only upon a

1 warrant of the state Comptroller upon itemized vouchers  
2 approved by the chair. ~~After the first three full fiscal years~~  
3 ~~from May 17, 2004, and every three years thereafter, if a~~  
4 ~~surplus of funds exists which is greater than two years'~~  
5 ~~operating expense, the funds shall be distributed to the~~  
6 ~~General Fund.~~

7 "§34-36-17.

8 "There is ~~hereby~~ established a separate fund in the  
9 State Treasury to be known as the Alabama Board of Electrical  
10 Contractors Fund. All money derived under ~~the provisions of~~  
11 this chapter shall be deposited in this fund and used only to  
12 carry out ~~the provisions of~~ this chapter. ~~Such~~ The fund shall  
13 be paid out only by warrant of the Comptroller upon the  
14 Treasurer, upon itemized vouchers, approved by the director of  
15 the board; provided, that no funds shall be withdrawn or  
16 expended except as budgeted and allotted according to the  
17 provisions of Sections 41-4-80 through 41-4-96 and Sections  
18 41-19-1 through 41-19-12, and only in amounts as stipulated in  
19 the general appropriation or other appropriation bills. ~~Any~~  
20 ~~funds unspent and unencumbered at the end of any state fiscal~~  
21 ~~year in excess of one hundred thousand dollars (\$100,000)~~  
22 ~~shall be transferred into the State General Fund on or before~~  
23 ~~January 15 of the succeeding year. In addition, there~~ There is  
24 ~~hereby~~ appropriated from the Alabama Board of Electrical  
25 Contractors Fund to the Alabama Board of Electrical  
26 Contractors the amount necessary to repay the State General  
27 Fund for any and all amounts expended therefrom and such

1        repayment to the State General Fund shall be made as soon as  
2        funds are available."

3                    Section 2. This act shall become effective  
4        immediately following its passage and approval by the  
5        Governor, or its otherwise becoming law.