

1 SB55  
2 207504-2  
3 By Senator Melson  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 02-FEB-21  
6 PFD: 01/20/2021

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

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§8-17-210.

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

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

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

"(3) APA 87-1. The 2001 American Pyrotechnics Standard for Construction and Approval for Transportation of 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                             "(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                            "(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                            "(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                            "(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.

"(10) NFPA 1124. The National Fire Protection Association Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, as adopted in 2006.

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

a. Party poppers.

"b. Snappers."

### "c. Toy smoke devices.

"d. Snake, glow worms.

"e. Wire sparklers, dipped sticks.

"(4) (12) PERMIT. The written authority of the State

Fire Marshal issued under the authority of this article.

"~~(5)~~ (13) PERSON. Includes any corporation,

association, copartnership or one or more individuals.

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

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

"(9) (15) SEASONAL RETAILER. Any person engaged in the business of making sales of fireworks to consumers within

1 the State of Alabama during the fireworks season(s) only, from  
2 permanent buildings or temporary or moveable stands.

3                   "(16) SPARKLING DEVICES. Handheld or ground based  
4 sparkling devices that are non-explosive and non-aerial and  
5 contain 75 grams of less of chemical compound per tube or a  
6 total of 500 grams or less for multiple tubes and other  
7 sparkling devices which emit showers of sparks and sometimes a  
8 whistling, spinning, or crackling effect when burning, but do  
9 not detonate or explode.

10                  "(10) (17) SPECIAL FIREWORKS. All articles of  
11 fireworks that are classified as Class B ~~explosives~~ 1.3G  
12 fireworks in the regulations of the U.S. Department of  
13 Transportation, including all articles classified as fireworks  
14 other than those classified as Class C.

15                  "(11) (18) WHOLESALER. Any person engaged in the  
16 business of making sales of fireworks to any other person  
17 engaged in the business of making sales at seasonal retail.

18                  "§8-17-211.

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

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

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

1 location at which fireworks or pyrotechnics for use before a  
2 proximate audience are to be offered for sale.

3 "(c) A manufacturer's permit issued under this  
4 article shall be subject to rules and regulations promulgated  
5 by the State Fire Marshal to govern the manufacture of  
6 fireworks or pyrotechnics for use before a proximate audience  
7 as in the judgment of the State Fire Marshal the public  
8 welfare may require.

9 "(d) The decision of the State Fire Marshal as to  
10 what type of permit or permits shall be required of each  
11 person shall be final. The State Fire Marshal may deny a  
12 permit to an applicant or revoke a permit if the State Fire  
13 Marshal has knowledge or reason to believe the safety  
14 standards and conditions of this article are not or cannot be  
15 met by the applicant. No permit shall be issued to a person  
16 under the age of 18 years. All permits shall be for the  
17 calendar year or any fraction thereof and shall expire on  
18 December 31 of each year, two days of grace shall be allowed  
19 holders of permits after expiration thereof. Only one seasonal  
20 retailer permit shall be required for a full calendar year and  
21 it shall be valid for both fireworks seasons, provided that  
22 the building is not moved from the location where it was  
23 originally permitted and no substantial structural or  
24 environmental changes have occurred. A seasonal retailer  
25 permit may be issued after July tenth for the remaining  
26 fireworks season of that calendar year. All permits issued  
27 must be displayed in their place of business. No permit

1 provided for herein shall be transferable nor shall a person  
2 be permitted to operate under a permit issued to any other  
3 person or under a permit issued for another location, unless  
4 transfer shall have been approved by the State Fire Marshal.  
5 The holder of an annual retailer permit shall not be required  
6 to obtain a seasonal retailer permit.

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

9                 "(1) Manufacturer, ~~two~~ three thousand dollars  
10 ~~(\$2,000)~~ (\$3,000).

11                 "(2) Distributor, ~~two~~ three thousand dollars  
12 ~~(\$2,000)~~ (\$3,000).

13                 "(3) Wholesaler, ~~seven hundred~~ one thousand dollars  
14 ~~(\$700)~~ (\$1,000).

15                 "(4) ~~Retailer, two hundred dollars (\$200)~~ Annual  
16 Retailer:

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

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

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

24                 "(5) Seasonal Retailer, ~~two~~ three hundred dollars  
25 ~~(\$200)~~ .:

1                   a. Of aerial devices, sparkling devices, audible  
2                   ground devices, and novelties, three hundred dollars (\$300)  
3                   per location.

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

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

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

12                   "(8) Display, application filed less than 10  
13                   business days before display date, one hundred fifty dollars  
14                   (\$150).

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

20                   "(g) A holder of a manufacturer's permit is not  
21                   required to have any additional permit or permits in order to  
22                   sell to distributors, wholesalers, retailers, or seasonal  
23                   retailers.

24                   "(h) A record of all sales by manufacturers,  
25                   distributors, or wholesalers must be kept showing the names  
26                   and addresses of purchasers. All fees collected for the  
27                   permits shall be paid into the State Fire Marshal Marshal's

Revolving Fund for the enforcement of this article. The State Fire Marshal may designate a deputy fire marshal as the "fireworks enforcement officer" who shall have the responsibility of directing enforcement of the state fireworks laws.

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

"(j) Every five years, the State Fire Marshal may increase the 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 2020, to the end of the month preceding the month in which the fee increase is to be effective, rounded down to the nearest dollar. The increase may not exceed two percent per year.

"§8-17-216.1.

"(a) The use of pyrotechnics before a proximate audience shall comply with the requirements set out in the latest edition of the National Fire Protection Association's Standard for the Use of Pyrotechnics Before a Proximate Audience (NFPA 1126) as shall be adopted by the State Fire Marshal. For purposes of this article, the term "proximate audience" shall mean an indoor audience closer to pyrotechnic

1 devices than permitted by the National Fire Protection  
2 Association's Code for Fireworks Display (NFPA 1123).  
3

4                 "(b) No person shall use pyrotechnics before a  
5 proximate audience without first obtaining a permit therefor  
6 from the State Fire Marshal. An application for a permit for  
7 the use of pyrotechnics at an event with a proximate audience  
8 shall be filed with the State Fire Marshal not less than 10  
9 days prior to the planned date of the event. The State Fire  
10 Marshal may accept an application for a permit under this  
11 section less than 10 days before the planned date of the event  
12 if accompanied by a fee of double the amount otherwise  
required.

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

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

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

24                 "(f) The State Fire Marshal may prescribe such other  
25 and additional requirements associated with the use of  
26 pyrotechnics before a proximate audience as are deemed

1 necessary for the safety of property and persons present at  
2 the proximate event location.

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

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

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

18                    "§8-17-217.

19                    "(a) It shall be unlawful for an individual, firm,  
20 partnership, or corporation to possess, sell, or use within  
21 the State of Alabama, or ship into the State of Alabama,  
22 except as provided in Section 8-17-216, any pyrotechnics  
23 commonly known as "fireworks" other than items now or  
24 hereafter classified as Class C common consumer fireworks by  
25 the United States Department of Transportation, including, but  
26 not limited to, aerial devices, audible ground devices,  
27 sparkling devices, and novelties and/or those items that

1 comply with the construction, chemical composition, and  
2 labeling regulations promulgated by the United States Consumer  
3 Product Safety Commission and permitted for use by the general  
4 public under their regulations.

5 "(b) Permitted items designed to produce an audible  
6 effect are confined to small ground items which include  
7 firecrackers containing not over 50 milligrams of explosive  
8 composition and aerial devices containing not over 130  
9 milligrams of explosive composition. Propelling or expelling  
10 charge consisting of a mixture of charcoal, sulfur and  
11 potassium nitrate are not considered as designed to produce an  
12 audible effect.

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

23 "§8-17-218.

24 "All items of fireworks which exceed the two grain  
25 limit of D.O.T. Class C common consumer fireworks as to  
26 explosive composition, such items being commonly referred to  
27 as "illegal ground salutes" designed to produce an audible

1 effect, are expressly prohibited from shipment into,  
2 manufacture, possession, sale, and use within the State of  
3 Alabama for any purpose. This ~~subsection~~ section shall not  
4 affect display fireworks authorized by this article.

5 "§8-17-219.

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

20 "§8-17-220.

21 "Permissible items of fireworks, defined in Section  
22 8-17-217, may be sold at retail to residents of the State of  
23 Alabama. The term "fireworks" shall not include toy paper  
24 pistol caps which contain less than twenty-five hundredths  
25 grains of explosive compounds, model rockets, emergency signal  
26 flares, matches, ~~cone, bottle, tube, and other type serpentine~~  
27 ~~pop-off novelties,~~ trick matches and cigarette loads, the sale

1 and use of which shall be permitted at all times without a  
2 special fireworks permit.

3 "§8-17-225.

4 "The State Fire Marshal shall seize as contraband  
5 any fireworks other than the permitted "Class C ~~Common~~  
6 Consumer Fireworks" and related items defined in Section  
7 8-17-217 or "special fireworks" for public displays as  
8 provided in Section 8-17-216, which are sold, displayed, used L  
9 or possessed in violation of this article. The ~~fire marshall~~  
10 ~~is authorized to~~ State Fire Marshal may destroy any illegal  
11 fireworks so seized.

12 "§8-17-226.

13 " (a) This article shall in no wise affect the  
14 validity of any city ordinance further restricting the sale or  
15 use of fireworks aerial devices and audible ground devices,  
16 including the authority to adopt ordinances related to aerial  
17 devices and audible ground devices in accordance with Section  
18 11-45-9.1.

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

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

1                   "§8-17-237.

2                   "(a) A pyrotechnics display operator license or  
3 pyrotechnic special effects operator license issued under this  
4 article authorizes the holder to act pursuant to that license  
5 until the license is suspended, revoked, or not renewed. Upon  
6 the suspension or revocation of a license, or the failure to  
7 renew a license, the licensee shall return the license to the  
8 State Fire Marshal. Each license is valid for two years,  
9 unless suspended or revoked.

10                  "(b) All fees collected pursuant to this article  
11 shall be deposited in the State Treasury to the credit of the  
12 State Fire Marshal's Fund authorized in Section ~~24-5-10~~  
13 36-19-31. The State Fire Marshal may expend monies from the  
14 State Fire Marshal's Fund for the administration and  
15 enforcement of this article.

16                  "§8-17-255.

17                  "All sums received through the payment of fees, the  
18 recovery of civil penalties, grants, and appropriations by the  
19 Legislature shall be deposited in the State Treasury and  
20 credited to the State Fire Marshal's Fund authorized by  
21 Section 36-19-31. This fund shall be available to the State  
22 Fire Marshal for the operation of the State Fire Marshal's  
23 Offices, including expenditure in the administration and  
24 enforcement of this article, Article 8, Article 8A, and  
25 Article 10, training, and research programs, and to support  
26 fire safety and prevention programs. Provided, however, that  
27 no funds shall be withdrawn or expended except as budgeted and

1       allocated according to Sections 41-4-80 to 41-4-96 and  
2       Sections 41-19-1 to 41-19-12, inclusive, and only in amounts  
3       as stipulated in the general appropriations bills or other  
4       appropriations bills. Any unencumbered and any unexpended  
5       balance of this fund remaining at the end of any fiscal year  
6       shall not lapse or revert to the General Fund, but shall be  
7       carried forward for the purposes of this article until  
8       expended.

9               "§34-33-11.

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

19               "§34-33A-12.

20               "All funds collected pursuant to this chapter shall  
21       be deposited in the State Treasury to the credit of the State  
22       Fire Marshal's Fund authorized in Section ~~24-5-10~~ 36-19-31.  
23       The State Fire Marshal may expend moneys from the State Fire  
24       Marshal's Fund for the administration and enforcement of this  
25       chapter. The State Fire Marshal may receive grants and  
26       donations from associations, firms, or individuals who are

1 interested in the upgrading and quality of fire alarm systems  
2 in compliance with Alabama state ethics laws.

3 "§36-19-29.

4 "All penalties, fees or forfeitures collected under  
5 the provisions of this article, unless otherwise provided,  
6 shall be placed in the General Fund of the State."

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

9 §36-19-31.

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

19 (b) The State Fire Marshal's Fund shall be expended  
20 for the operation of the State Fire Marshal's Office,  
21 including the administration and enforcement of Article 8,  
22 Article 8A, Article 9, and Article 10 of Chapter 17 of Title  
23 8, and of Chapter 33 and Chapter 33A of Title 34, for training  
24 and research programs, and to support fire safety and  
25 prevention programs.

26 (c) No funds shall be withdrawn or expended from the  
27 State Fire Marshal's Fund except as budgeted and allotted

1 according to Sections 41-4-80 to 41-4-96, inclusive, and  
2 41-19-1 to 41-19-12, inclusive, and only in amounts as  
3 stipulated in the general appropriations act, or other  
4 appropriations act. Any unencumbered and unexpended balance of  
5 the fund remaining at the end of any fiscal year shall not  
6 lapse or revert to the General Fund but shall be carried  
7 forward to the next fiscal year.

8 Section 3. On a semiannual basis, the State Fire  
9 Marshal shall transfer from the State Fire Marshal's Fund to  
10 the Alabama Firefighters Annuity and Benefit Fund established  
11 pursuant to Section 36-21-185, Code of Alabama 1975, an amount  
12 equal to five percent of the fees collected by the State Fire  
13 Marshal during the previous six months pursuant to Sections  
14 8-17-211 and 8-17-216.1, Code of Alabama 1975, as currently  
15 provided or as those fees may be hereafter adjusted.

16 Section 4. The deposit of any funds in the State  
17 Fire Marshal's Fund and the expenditure of any funds from the  
18 State Fire Marshal's Fund prior to the effective date of this  
19 act are ratified and confirmed.

20 Section 5. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.