

1 HB308
2 127530-1
3 By Representatives Thomas, Greeson and Oden
4 RFD: Ways and Means General Fund
5 First Read: 22-MAR-11

SYNOPSIS: Under existing law, the Elevator Safety Review Board operates through the Department of Labor. Existing law provides that funds in the Elevator Safety Review Board Operational Fund are used for the operation of the board.

This bill would specify that funds in the operational fund appropriated for the operation of the board that are not needed for current operations of the board may be used for the operation of the department.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Elevator Safety Review Board within the Department of Labor; to amend Section 25-13-6 of the Code of Alabama 1975, as amended by Act 2010-597, 2010 Regular Session (Acts 2010, p. 1343), to further provide for the use

1 of funds in the operational fund of the board for the
2 operation of the department.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 25-13-6, Code of Alabama 1975, as
5 amended by Act 2010-597, 2010 Regular Session (Acts 2010, p.
6 1343), is amended to read as follows:

7 "§25-13-6.

8 "(a) The board may consult with engineering
9 authorities and organizations concerned with standard safety
10 codes, rules, and regulations governing the operation,
11 maintenance, servicing, construction, alteration,
12 installation, and inspection of elevators, dumbwaiters,
13 escalators, and the qualifications which are adequate,
14 reasonable, and necessary for an elevator mechanic,
15 contractor, and inspector. Therefore, the board may recommend
16 the amendments of applicable legislation, when appropriate, to
17 legislators.

18 "(b) The board shall establish regulations for the
19 equipment regulated by this chapter. The regulations shall
20 include the Safety Code for Elevators and Escalators, ASME
21 A17.1; the Safety Code for Existing Elevators and Escalators,
22 ASME A17.3; the Safety Standards for Platform Lifts and
23 Stairway Chairlifts, ASME A18.1; Standard for the
24 Qualification of Elevator Inspectors, ASME QEI-1; and
25 Automated People Mover Standards, ASCE 21. The board shall
26 adopt the latest editions of the standards within six months
27 of their effective date. Any modifications to the standards

1 that the administrator deems necessary shall be justified in
2 writing by the board.

3 "(c) The board may grant exceptions and variances
4 from the literal requirements of applicable code and
5 standards, regulations, or local legislation, or any
6 combination of these, in cases where such variances would not
7 jeopardize the public safety and welfare. The board may hear
8 appeals, hold hearings, and decide upon appeals within 30 days
9 of the appeal.

10 "(d) The board shall establish fee schedules for
11 licenses, permits, certificates, and inspections. The fees
12 shall reflect the actual costs and expenses to conduct the
13 duties as described in this chapter. All fees collected by the
14 administrator pursuant to this chapter shall be remitted to
15 the Elevator Safety Review Board Operational Fund in the State
16 Treasury to the credit of the board for its operation and for
17 the operation of the Department of Labor. Any funds
18 appropriated for the operation of the board that are not
19 needed for current operations as determined by the director of
20 the department and within the appropriation ceiling of the
21 board may be used for operation of the department. All fees
22 collected in the Elevator Safety Review Board Operational Fund
23 above the appropriated amount shall be transferred to the
24 State General Fund within one quarter after the end of each
25 fiscal year.

26 "(e) The board shall be subject to the Alabama
27 Sunset Law, Chapter 20, Title 41, as an enumerated agency as

1 provided in Section 41-20-3, and shall have a termination date
2 of October 1, 2005, and every four years thereafter, unless
3 continued pursuant to the Alabama Sunset Law."

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