

HB460 INTRODUCED



1 HB460
2 YUCCN26-1
3 By Representative Robbins
4 RFD: Boards, Agencies and Commissions
5 First Read: 16-Apr-24



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SYNOPSIS:

Under existing law, certain governmental agencies are permitted to purchase or acquire real property.

This bill would prohibit any enumerated agency or other governmental entity statutorily subject to the Alabama Sunset Law of 1981 from holding title to real property, and would provide exemptions.

This bill would also delete the specific statutory authority to purchase or acquire real property in the future of the following agencies and entities: The Alabama Surface Mining Reclamation Commission, Bear Creek Development Authority, Alabama Board of Funeral Services, Home Builders Licensure Board, Alabama State Board of Pharmacy, State Board of Chiropractic Examiners, State Board of Medical Examiners, and the Alabama Construction Recruitment Institute to prohibit further acquisition of real property by those entities.

A BILL
TO BE ENTITLED
AN ACT



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29
30 Relating to governmental agencies; to prohibit any
31 enumerated agency or other governmental entity statutorily
32 subject to the Alabama Sunset Law of 1981 from holding title
33 to real property; to provide exemptions; to grandfather in
34 real property previously purchased or acquired by the agency
35 or entity; and to amend Sections 9-16-74, 33-15-6, 34-13-23,
36 as last amended by Act 2023-94, 2023 Regular Session,
37 34-14A-18, 34-23-92, 34-24-143, 34-24-314, and 41-10-725, Code
38 of Alabama 1975, relating to the Alabama Surface Mining
39 Reclamation Commission, Bear Creek Development Authority,
40 Alabama Board of Funeral Services, Home Builders Licensure
41 Board, Alabama State Board of Pharmacy, State Board of
42 Chiropractic Examiners, State Board of Medical Examiners, and
43 the Alabama Construction Recruitment Institute to prohibit
44 further acquisition of real property by those entities.

45 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

46 Section 1. (a) Commencing on June 1, 2024, no
47 enumerated agency, as defined by Section 41-20-2, Code of
48 Alabama 1975, or other governmental entity statutorily subject
49 to the Alabama Sunset Law of 1981, Chapter 20 of Title 41,
50 Code of Alabama 1975, may purchase or acquire title to real
51 property. This section shall not affect any purchase or
52 acquisition of real property that is in the process of closing
53 or completed on or before June 1, 2024.

54 (b) The Alabama Historical Commission is exempted from
55 this section.

56 Section 2. Sections 9-16-74, 33-15-6, 34-13-23, as last



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57 amended by Act 2023-94, 2023 Regular Session, 34-14A-18,
58 34-23-92, 34-24-143, 34-24-314, and 41-10-725 of the Code of
59 Alabama 1975, are amended to read as follows:

60 "§9-16-74

61 (a) In addition to any other powers conferred on it by
62 law, the commission shall have the power to do all of the
63 following:

64 (1) Adopt, amend, suspend, repeal, and enforce
65 reasonably necessary rules ~~and regulations~~, provided such
66 rules ~~and regulations~~ shall not be more stringent than those
67 ~~promulgated~~ adopted by federal law, or rule or regulation, to
68 control surface coal mining operations consistent with this
69 article including the declaration of public policy and
70 legislative intent contained in Section 9-16-71. Such rules
71 ~~and regulations~~ may be for the state as a whole or may vary
72 from area to area, as may be appropriate to accomplish the
73 policy and intent of this article and in order to take into
74 account varying local conditions.

75 (2) Hold public hearings as may be specified by law
76 relating to any aspect or matter in the administration of this
77 article and, in connection therewith, administer oaths and
78 compel the attendance of witnesses and the production of
79 evidence. In the event of failure of any person to comply with
80 any subpoena lawfully issued, or on the refusal of any witness
81 to produce evidence or to testify as to any matter regarding
82 which he or she may be lawfully interrogated, it shall be the
83 duty of any court of competent jurisdiction, upon the
84 application of the commission, to compel obedience by



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85 proceedings for contempt as if the disobedience occurred in
86 such court.

87 (3) Issue such orders as may be necessary to effectuate
88 the purposes of this article and enforce the same through
89 appropriate administrative and judicial proceedings.

90 (4) ~~Promulgate~~ Adopt and enforce rules, ~~regulations,~~
91 and standards requiring the training, examination, and
92 certification of persons engaging in or directly responsible
93 for the use of explosives for the purpose of blasting in
94 surface coal mining. Such rules ~~and regulations~~ shall include,
95 but not be limited to, provisions for establishing and
96 charging reasonable fees for the administration of these
97 rules, ~~regulations,~~ and standards and for the training and
98 examination of applicants for certification, for the renewal
99 of certification, and for continuing education.

100 (5) Secure through its director necessary scientific,
101 technical, administrative, and operational services, including
102 laboratory facilities by contract or otherwise.

103 (6) Encourage voluntary cooperation by persons and
104 groups to achieve the purposes of this article.

105 (7) Encourage and conduct through its director and
106 staff studies, investigations, and research relating to
107 surface mining reclamation.

108 (8) Establish and enforce coal surface mining
109 reclamation standards for the state which may vary according
110 to appropriate areas, provided ~~they~~ the standards are not
111 inconsistent with this article and the declaration of public
112 policy and legislative intent contained in Section 9-16-71.



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113 (9) Collect and disseminate information and conduct
114 educational and training programs relating to surface coal
115 mining and reclamation of land.

116 (10) Advise, consult, contract, and cooperate with
117 other agencies of the state, local governments, industries,
118 other states, interstate agencies, and the federal government
119 and with interested persons or groups, especially, but not
120 limited to, achieve one-stop permitting for surface coal
121 mining operations and to transfer funds to carry out
122 reclamation activities.

123 (11) Consult, upon request, with any person proposing
124 to construct, install, or otherwise acquire a surface coal
125 mine, concerning the efficacy of construction, installation,
126 or acquisition of such surface mine. Nothing in any such
127 consultation shall be construed to relieve any person from
128 compliance with this article, and rules ~~and regulations~~ in
129 force pursuant to this article, or any other provision of law.

130 (12) Accept, receive, and administer grants or other
131 funds or gifts from public and private agencies, including the
132 federal government, for the purpose of carrying out any of the
133 functions of this article. Funds received by the regulatory
134 authority pursuant to this section shall be deposited in the
135 State Treasury to the account of the Alabama Surface Mining
136 Fund.

137 (13) Employ personnel and consultants, purchase such
138 equipment and supplies, and lease or otherwise acquire through
139 its director such personal property as may be necessary for
140 the administration of this article. Subject to any applicable



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141 restrictions contained in law, any department or agency of the
142 state, from its available resources, may provide the
143 regulatory authority with personnel and services, with or
144 without charge, and the regulatory authority may compensate
145 other agencies for services.

146 (14) Provide for the performance by its director,
147 deputy director, or staff and employees in the name of the
148 commission, of any act or duty authorized by and consistent
149 with administration of this article, except for the
150 ~~promulgation~~ adoption, modification, suspension, or repeal of
151 standards, and rules, ~~and regulations~~.

152 (15) Perform other acts and duties consistent with this
153 article as may be necessary to implement the declaration of
154 public policy and legislative intent contained in Section
155 9-16-71.

156 (16) Provide for the establishment of advisory
157 committees, appointment and adequate compensation for
158 membership of the committees, scope of study and other duties,
159 periods of duration, and terms of advisory members.

160 (17) Issue, modify, or revoke orders prohibiting
161 actions which violate this article or the rules, ~~regulations,~~
162 or standards ~~promulgated~~ adopted pursuant to this article and
163 require affirmative action to bring any surface coal mining
164 operation into compliance with this article.

165 (18) Issue, continue in effect, revoke, modify, or deny
166 permits through its director and staff for the conduct of
167 surface coal mining operations or explorations which are
168 subject to this article.



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169 (19) Issue warnings and initiate civil or criminal
170 actions through its director and staff as provided for in this
171 article.

172 (20) Acquire and maintain workers' compensation
173 insurance in the amount prescribed by the workers'
174 compensation laws of Alabama and such general liability
175 insurance as may be reasonably necessary to assure adequate
176 protection of the commission, and its director, employees, and
177 agents for lawful acts by them during the course of enforcing
178 and administering this article.

179 (21)a. Enforce the state program, approved pursuant to
180 Section 503 of the Federal Surface Mining Control and
181 Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. § 1200.

182 b. The commission shall make every effort to obtain
183 full reimbursement from the Director of the Office of Surface
184 Mining Reclamation and Enforcement for the costs of performing
185 its duties under paragraph a.

186 c. If P.L. 95-87 or any rules or regulations
187 ~~promulgated~~ adopted thereunder or the federal laws it amends
188 are adjudged unconstitutional or invalid in their application,
189 or stayed pending litigation in any court of competent
190 jurisdiction over surface coal mining operations in Alabama,
191 the Alabama Surface Mining Commission shall suspend the
192 enforcement of this article to the extent of such
193 adjudication, unconstitutionality, inapplicability, or stay.

194 d. If any of the commission's rules ~~or regulations~~ are
195 adjudged unconstitutional or invalid in their application, or
196 stayed pending litigation in any court of competent



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197 jurisdiction, the Alabama Surface Mining Commission shall have
198 the power to enforce any valid, constitutional, and analogous
199 provision of the rules and regulations ~~promulgated~~ adopted
200 under P.L. 95-87.

201 e. The State of Alabama, by any provision, part, or all
202 of this article, does not waive any rights and powers reserved
203 to it by the Tenth Amendment to the Constitution of the United
204 States, and this subdivision shall not be interpreted so as to
205 prevent the State of Alabama from protecting any and all of
206 its rights and governmental powers through any legal action as
207 might be determined by duly constituted officials of the State
208 of Alabama.

209 ~~(22)~~ (b) No commission member, employee of the
210 commission, or any other state employee performing any
211 function or duties under this article shall have a direct or
212 indirect financial interest in underground or surface coal
213 mining operations. Whoever knowingly violates this ~~subdivision~~
214 subsection, upon conviction, shall be punished by a fine of
215 not more than two thousand five hundred dollars (\$2,500), or
216 by imprisonment for not more than one year, or both."

217 "§33-15-6

218 The general powers, duties, and functions of the
219 authority shall be as follows:

220 (1) GENERAL. The authority:

221 a. Shall have perpetual succession in its corporate
222 name;

223 b. May bring civil actions and have civil actions
224 brought against it in its corporate name;



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225 c. May adopt, use, and alter a corporate seal, which
226 shall be judicially noticed;

227 d. May enter into such contracts and cooperative
228 agreements with federal, state, and local governments, with
229 agencies of such governments, and with private individuals,
230 corporations, associations, and other organizations, including
231 the Bear Creek Watershed Association, Inc., whether organized
232 under the laws of Alabama or of another state, as the board
233 may deem necessary or convenient to enable it to carry out the
234 purposes of this article, which authorization shall include
235 without limitation contracts and cooperative arrangements with
236 any of the several states and with counties and municipalities
237 in and agencies of such states;

238 e. May adopt, amend, and repeal bylaws;

239 f. May appoint managers, officers, employees,
240 attorneys, and agents as the board deems necessary for the
241 transaction of its business, fix their compensation, define
242 their duties, and require bonds of such of them as the board
243 may determine; the salaries of any such employees to be paid
244 out of such funds as may be available to the authority from
245 any source;

246 g. May institute legal proceedings in any court of
247 competent jurisdiction and proper venue; provided, that no
248 civil action may be brought against the authority nor may the
249 authority be subjected to a counterclaim or cross-claim in any
250 court other than the courts of Franklin County, Alabama; and
251 provided further, that no civil action may be brought against
252 the officers, directors, agents, or employees of the authority



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253 nor may they or any of them be subjected to a counterclaim or
254 cross-claim for actions in behalf of the authority in any
255 court other than the courts of Franklin County, Alabama; and
256 provided further, that no claim or cause of action, based
257 wholly or in part upon allegations ~~which~~ that call into
258 question the validity of the authority, shall be heard or
259 adjudicated in any court other than the courts of Franklin
260 County, Alabama; and

261 h. May appoint park rangers to enforce rules ~~and~~
262 ~~regulations~~ including those of Section 33-15-7(c), in regard
263 to property owned or under the jurisdiction of the Bear Creek
264 Development Authority; to grant this authority to any
265 conservation enforcement officer; and to give ~~said~~ the rangers
266 and officers the power and authority of deputy sheriffs to
267 arrest without warrant and carry before the district court of
268 the county which has jurisdiction over the Bear Creek
269 Development Authority any person violating any of the laws of
270 this state or the rules ~~and regulations prescribed~~ adopted by
271 the Bear Creek Development Authority while on the property of
272 ~~such~~ the authority.

273 (2) FORMULATION AND EXECUTION OF DEVELOPMENT PLANS. The
274 authority ~~is authorized to~~ may:

275 a. Investigate the resources of the Bear Creek
276 Watershed and determine the requirements for its full
277 development and for control and development of its stream
278 system as an integral part of the economy of the area;

279 b. Develop and carry out a unified, comprehensive
280 program of resource development designed to encourage and



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337 ~~the increase of industrial employment opportunities.~~

338 (4) MANAGEMENT AND OPERATION. The authority may:

339 a. Enter into contracts with the United States, with
340 the several states, and with individuals, private
341 corporations, associations, municipalities, and other public
342 agencies or political subdivisions of any kind, for the sale
343 of water for municipal, domestic, agricultural, or industrial
344 use, or for the sale of any other services, facilities, or
345 commodities that the authority may be in a position to supply;

346 ~~b. Acquire and develop reservoirs and shoreline lands
347 and provide for their operation for industrial, recreational
348 and other uses directly or by concessionaires, licensees,
349 lessees or venders of shoreline lands;~~

350 ~~e.~~ b. Sell or lease shoreline lands, or any interest
351 therein, in connection with development of the stream system,
352 for uses consistent with the authority's development plan and
353 subject to such restrictions as the authority deems necessary
354 for reservoir protection and subject to such requirements as
355 to character of improvements and activities and the time
356 within which such improvements or activities shall be
357 undertaken as the authority deems appropriate to its overall
358 development plan;

359 ~~d. Acquire or operate shoreline lands of reservoirs
360 owned by the United States of America as the agent of the
361 federal agency having custody and control thereof under
362 appropriate agreements with such agencies;~~

363 ~~e. Acquire, construct~~ c. Construct or operate such other
364 facilities or works of improvement as are necessary to



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365 effectuate plans for the comprehensive development of the
366 area;

367 ~~f.d.~~ d. Make and enforce reasonable rules ~~and regulations~~
368 governing the use of any facilities and other property owned,
369 controlled, l or operated by the authority;

370 ~~g.e.~~ e. Provide for such insurance as the board may deem
371 advisable; and

372 ~~h.f.~~ f. Fix and revise from time to time reasonable rates,
373 fees, l and other charges for the sale of water for municipal,
374 domestic, agricultural, l or industrial use, or for the sale of
375 any other services, facilities, l or commodities that the
376 authority may be in a position to supply.

377 (5) FINANCING. The authority may:

378 a. Sell and issue its bonds from time to time in order
379 to provide funds for any corporate function, use, l or purpose,
380 all such bonds to be payable solely out of the revenues
381 derived from the facilities and other property of the
382 authority or out of the revenues of any particular facilities
383 and other property of the authority; and

384 b. Secure such bonds by a pledge of all or any of the
385 revenues which may now or hereafter come to the authority from
386 any source, by a mortgage or deed of trust covering the
387 authority's land or any part thereof, or under the provisions
388 of a trust indenture, or by a combination of one or more
389 thereof; provided, that all obligations created or assumed and
390 all bonds issued by the authority shall be solely and
391 exclusively obligations of the authority and shall not create
392 an obligation or debt of the state or of any county or



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393 municipality."

394 "§34-13-23

395 (a) (1) The board shall select from its own membership a
396 chair and adopt rules for the transaction of its business and
397 for the betterment and promotion of the standards of service
398 and practice to be followed in the death care industry in the
399 State of Alabama as the board may deem expedient and
400 consistent with the laws of this state and for the public
401 good.

402 (2) The chair shall preside at all meetings of the
403 board unless otherwise ordered, and he or she shall exercise
404 and perform all duties and functions incident to the office of
405 chair.

406 (3) The board may also select from its own membership a
407 vice chair, a secretary, and a treasurer. No two offices shall
408 be held by the same person.

409 (b) The treasurer shall give bond to the State of
410 Alabama in the sum of ten thousand dollars (\$10,000), and any
411 premium payable for the bond shall be paid from the funds of
412 the board. The bond shall be deposited with the Treasurer of
413 the State of Alabama.

414 (c) A board member shall be reimbursed for necessary
415 travel expenses, per diem, and the necessary expenses incident
416 to his or her attendance upon the business of the board, and,
417 in addition thereto, shall receive compensation in the amount
418 of seventy-five dollars (\$75) for every day not to exceed 20
419 days per year actually spent by the member upon the business
420 of the board. The board may employ in the unclassified service



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421 an executive director and up to four associate executive
422 directors who shall each receive and be paid an annual salary
423 to be fixed by the board pursuant to Section 36-6-6. The
424 salary shall be paid on a semimonthly basis. In addition, the
425 executive director and associate executive directors shall
426 each receive his or her necessary travel and other incidental
427 expenses as are incurred in the performance of duties, and all
428 expenses, per diem, and compensation shall be paid out of the
429 receipts of the board. At no time shall the operation of the
430 board be an expense to the state.

431 (d) The executive director of the board shall have
432 complete supervision and be held responsible for the direction
433 of the office of the board, shall have supervision over
434 employees, field inspections, examinations, and enforcement of
435 this chapter, and shall be responsible and answerable to the
436 board. The associate executive directors shall assist the
437 executive director and perform such other duties as may be
438 assigned to him or her by the executive director.

439 (e) The executive director shall keep a record in which
440 shall be registered the name and business address of every
441 person to whom licenses have been granted in accordance with
442 this chapter, the number and date of the license, and the date
443 of each renewal. Upon request to do so, the executive director
444 shall supply a list of all persons and establishments holding
445 a license under this chapter, then in force, giving the names
446 of the persons, their business addresses, and the numbers of
447 their licenses.

448 (f) It shall be the duty of the executive director to



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449 prepare under the direction of the board and cause to be
450 printed all forms required by this chapter to be prescribed by
451 the board. All notices required to be mailed by this chapter
452 shall be directed to the last known address of the party to
453 whom the notice is sent.

454 (g) The executive director shall serve at the pleasure
455 of the board and shall perform duties as may be necessary for
456 the proper functioning of the board as the board may determine
457 or as may be prescribed in this chapter. During the employment
458 of the executive director, he or she may not be employed by
459 any funeral establishment.

460 (h) All fees and fines received under this chapter
461 shall be paid into a special fund in the State Treasury to be
462 known as the Alabama State Funeral Service Fund, which is
463 hereby created, for the necessary and proper expenses of the
464 board, and for a reasonable reserve for future use by the
465 board. All monies in the fund are hereby appropriated, as a
466 continuing appropriation, to the board to be used for carrying
467 out this chapter. Commencing on October 1, 2023, the name of
468 the fund shall be changed to the Alabama Board of Funeral
469 Services Fund.

470 (i) Each member of the board, the executive director,
471 the associate executive directors, designated employees, and
472 independent contractors of the board appropriately identified
473 are authorized at any given time to enter the office,
474 premises, establishment, or place of business where any
475 practice or activity regulated by this chapter is carried on,
476 or advertised as being carried on, and to investigate



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477 complaints or perform examinations or inspections. Each
478 on-site inspection shall include an inspection of the license,
479 certification, and registration of each licensee and
480 apprentice trainee operating therein.

481 (j) All members of the board or designated employees of
482 the board may serve and execute any process issued by any
483 court under this chapter and execute any papers, orders, or
484 process issued by the board or any officer or member of the
485 board under this chapter.

486 (k) The board may employ clerical assistants and
487 employees as necessary to carry out this chapter, and the
488 terms and conditions of employment shall be determined by the
489 board. The board may establish and equip an office from which
490 this chapter may be carried out.

491 ~~(l) (1) The board may acquire and hold, in its own name,~~
492 ~~real property by purchase, gift, lease, lease with the option~~
493 ~~to purchase, or other lawful means, except eminent domain,~~
494 ~~which real property may be used by the board to carry out its~~
495 ~~responsibilities. The board may also transfer, sell, convey,~~
496 ~~or cause to be conveyed real property and any improvements~~
497 ~~thereon, subject to the requirements of this section. In~~
498 ~~purchasing any real property, maintaining real property, or~~
499 ~~making improvements thereto, the board may expend any funds~~
500 ~~contained in the Funeral Board Property Acquisition Fund~~
501 ~~established in subdivision (2), and any obligations created in~~
502 ~~connection with the purchase or improvement of the real~~
503 ~~property shall not create debts, obligations, or liabilities~~
504 ~~of the state. As used in this subsection, "real property"~~



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505 ~~shall include land, lots, and all things and interests,~~
506 ~~including leasehold interests, pertaining thereto, and all~~
507 ~~other things annexed or attached to the land which would pass~~
508 ~~to a vendee by conveyance of the land or lot, including~~
509 ~~mineral, gas, and oil interests. All sales or leases made by~~
510 ~~the board of any real property owned or held by the board~~
511 ~~shall be subject to the requirements of Article 3, Chapter 15,~~
512 ~~Title 9. Notwithstanding the foregoing, the proceeds from the~~
513 ~~sale of real property owned by the board which are distributed~~
514 ~~pursuant to Section 9-15-83 shall be paid to the board and~~
515 ~~deposited into the property acquisition fund.~~

516 ~~(2) There is established the Funeral Board Property~~
517 ~~Acquisition Fund within the State Treasury. Any funds received~~
518 ~~by the board pursuant to this section shall be deposited into~~
519 ~~the property acquisition fund and shall be held by the board~~
520 ~~in trust for carrying out the purposes of the property~~
521 ~~acquisition fund. Amounts in the property acquisition fund~~
522 ~~shall be budgeted and allotted in accordance with Sections~~
523 ~~41-4-80 through 41-4-96 and Sections 41-19-1 through 41-19-12.~~
524 ~~Not later than May 1, 2022, the executive director shall~~
525 ~~transfer from the Alabama State Funeral Services Fund to the~~
526 ~~property acquisition fund an amount determined by vote of the~~
527 ~~board for the purchase of real property. Thereafter, the board~~
528 ~~shall annually, during the month of October, transfer an~~
529 ~~amount between two percent and seven percent of the receipts~~
530 ~~of the board from the previous fiscal year to the property~~
531 ~~acquisition fund.~~

532 ~~(3) At the end of each fiscal year, Commencing on June~~



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533 1, 2024, the board may not acquire any additional real
534 property, and any unencumbered and unexpended balance in the
535 ~~property acquisition fund~~ Funeral Board Property Acquisition
536 Fund shall ~~not~~ revert to the State General Fund ~~but shall~~
537 ~~carry over to the next fiscal year."~~

538 "§34-14A-18

539 ~~(a) The board may acquire and hold, in its own name,~~
540 ~~real property by purchase, gift, lease, lease with the option~~
541 ~~to purchase, or other lawful means, except eminent domain,~~
542 ~~which real property is used by the board to carry out its~~
543 ~~responsibilities. The board may also transfer, sell, convey,~~
544 ~~or cause to be conveyed real property and any improvements~~
545 ~~thereon, subject to the requirements of this section. In~~
546 ~~purchasing any real property, maintaining it, or making~~
547 ~~improvements thereto, the board may expend any funds contained~~
548 ~~in the Home Builders Property Acquisition Fund established by~~
549 ~~subsection (b), and any obligations created in connection with~~
550 ~~the purchase or improvement of the real property shall not~~
551 ~~create debts, obligations, or liabilities of the State of~~
552 ~~Alabama. As used in this section, real property shall include~~
553 ~~land, lots, and all things and interests, including leasehold~~
554 ~~interests, pertaining thereto, and all other things annexed or~~
555 ~~attached to the land which would pass to a vendee by~~
556 ~~conveyance of the land or lot, including mineral and gas and~~
557 ~~oil interests. All sales or leases made by the board of any~~
558 ~~real property owned or held by the board shall be subject to~~
559 ~~the requirements of Article 3, commencing with Section~~
560 ~~9-15-70, Chapter 15, Title 9. Notwithstanding the foregoing,~~



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561 ~~the proceeds from the sale of real property owned by the board~~
562 ~~which are distributed pursuant to Section 9-15-83, shall be~~
563 ~~paid to the board and deposited into the property acquisition~~
564 ~~fund.~~

565 ~~(b) The board may establish a property acquisition~~
566 ~~fund, the proceeds from which may be used by the board for the~~
567 ~~acquisition of real property. Each licensee shall, on order of~~
568 ~~the board, pay a fee not to exceed sixty dollars (\$60), no~~
569 ~~more than once a year, per license for deposit in the property~~
570 ~~acquisition fund. A licensee on inactive status shall not be~~
571 ~~required to contribute to the property acquisition fund.~~

572 ~~(c) The funds received by the board pursuant to this~~
573 ~~section shall be deposited into the State Treasury and held in~~
574 ~~a special fund to be known as the Home Builders Property~~
575 ~~Acquisition Fund and shall be held by the board in trust for~~
576 ~~carrying out the purposes of the property acquisition fund.~~
577 ~~The funds so received may be invested by the State Treasurer~~
578 ~~in any investments which are legal under the laws of this~~
579 ~~state. Any interest or other income from investments of the~~
580 ~~property acquisition fund shall be deposited into the fund. At~~
581 ~~the end of each fiscal year,~~Commencing on June 1, 2024, the
582 board may not acquire any additional real property, and any
583 unencumbered and unexpended balance ~~of the amount appropriated~~
584 ~~for that fiscal year~~ in the Home Builders Property Acquisition
585 Fund shall ~~not~~ revert to the State General Fund ~~of the State~~
586 ~~Treasury under Section 41-4-93, but shall carry over to the~~
587 ~~next fiscal year."~~

588 "§34-23-92



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589 (a) The board shall exercise, subject to this chapter,
590 the following powers and duties:

591 (1) To adopt rules concerning the records and reports
592 to be kept and made by a pharmacy relating to the filling of
593 prescriptions and the handling and preservation of drugs.

594 (2) To fix standards and requirements for licenses and
595 permits except as otherwise specified in this chapter.

596 (3) To ~~make~~ adopt rules ~~and regulations~~ regarding
597 sanitation consistent with state health regulations.

598 (4) To employ such chemists, agents, clerical help, and
599 attorneys necessary for the proper administration of the
600 duties of the board.

601 (5) To employ a Chief Drug Investigator and such other
602 drug investigators that it deems necessary to enforce this
603 chapter which are under the supervision of the board.

604 (6) To adopt rules ~~and regulations~~ for the
605 administration and enforcement of this chapter and not
606 inconsistent herewith. Such rules ~~and regulations~~ shall be
607 referenced to the section or sections of this chapter which
608 set forth the legislative standard which it interprets or to
609 which it applies. Every such rule ~~and regulation~~ shall be
610 adopted in accordance with the Alabama Administrative
611 Procedure Act. A copy of every rule ~~and regulation~~ containing
612 a requirement of general application shall be electronically
613 mailed to each registered pharmacist at least 10 days before
614 the effective date thereof. A printed copy of such rules ~~and~~
615 ~~regulations~~ shall be mailed to any registered pharmacist upon
616 written request to the board.



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617 (7) To investigate violations of this chapter or any
618 other law pertaining to the practice of pharmacy that may come
619 to the knowledge of the board and institute or cause to be
620 instituted before the board or in a proper court appropriate
621 proceedings in connection therewith.

622 (8) To issue subpoenas and compel the attendance of
623 witnesses and the production of all necessary papers, books
624 and records, documentary evidence and materials, or other
625 evidence in matters pending before the board relating to the
626 revocation, suspension, or probation of any license. Those
627 persons issued subpoenas and compelled to attend hearings or
628 meetings in matters pending before the board shall be entitled
629 to witness fees from board funds. Claims for witness fees
630 shall be made on accepted State of Alabama voucher forms as
631 appropriate. Travel and mileage expenses shall be reimbursed
632 to witnesses in the amounts officially authorized to the board
633 and its personnel at the time the service to the board is
634 performed.

635 (9) To administer oaths in connection with the duties
636 of the board.

637 (10) To make a written report annually of its receipts
638 and disbursements to the Governor and to the State
639 Pharmaceutical Association. Included in this report shall be
640 the names of all registrants licensed to practice under this
641 chapter and a record of all permits issued during the period
642 covered by the report.

643 (11) To enforce ~~the state barbiturate act, the state~~
644 ~~amphetamine act, the state narcotic law, and all other~~ laws of



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645 the state which pertain to the practice of pharmacy, the
646 examination of applicants, the licensing of pharmacists, the
647 manufacture, packaging, repackaging, production, sale, or
648 distribution of drugs, chemicals, and poisons, and all laws
649 pertaining to standards for their strength and purity. The
650 board may work in conjunction with other law enforcement
651 agencies to enforce any law pertaining to the practice of
652 pharmacy. Nothing in this section shall be construed to
653 deprive the State Board of Health of any powers or duties
654 otherwise prescribed by law including the enforcement of the
655 narcotic law.

656 (12) To investigate alleged violations of this chapter
657 or any rule ~~or regulation~~ published by the board and conduct
658 hearings to revoke, suspend, or probate any license or permit
659 granted by the board under this chapter and to invoke
660 penalties not to exceed the sum of one thousand dollars
661 (\$1,000) for each violation and to institute any legal
662 proceedings necessary to effect compliance with this chapter;
663 provided, that any person, firm, or corporation subjected to
664 such penalty or legal proceedings may take an appeal in
665 accordance with Section 34-23-94.

666 (13) On application of any person and payment of the
667 cost therefor, the secretary of the board shall furnish, under
668 its seal and signed by the secretary, a certified copy of the
669 license or permit of the requestor, or a certified copy of a
670 ~~regulation or~~ rule of the board. In any court or proceeding,
671 such copy shall be prima facie evidence of the fact of the
672 issuance of such permit or license and the adoption of such



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673 rule ~~or regulation~~.

674 ~~(14) To acquire by gift, grant, purchase, condemnation,~~
675 ~~or otherwise, and to convey or hold title to, real property,~~
676 ~~together with all rights incidental thereto.~~

677 (b) Commencing on June 1, 2024, the board may not
678 acquire by gift, grant, purchase, condemnation, or otherwise,
679 or hold title to any additional real property."

680 "§34-24-143

681 (a) All examination fees, certification fees, renewal
682 fees, and other similar funds received by the board under this
683 article shall be deposited into the State Treasury to the
684 credit of the State Board of Chiropractic Examiners, and all
685 such funds are appropriated to the board to defray the
686 expenses incurred in carrying out this article. The expenses
687 shall include printing, stamps, stationery, clerical help,
688 travel, and other necessary expenditures.

689 (b) In all cases, any fee that is received by the board
690 shall not be refunded, and no applicant shall have the right
691 to recover any part of a fee accompanying his or her
692 application for licensure or otherwise paid to the board
693 except on the death, disability, or retirement from practice
694 of any applicant or licensee between payment of any fee and
695 the expiration of his or her current renewal or the issuance
696 of the initial license or permit or on the failure of the
697 board to conduct any scheduled examination.

698 (c) The books and records of the board shall be subject
699 to state audit in the same manner and to the same extent as
700 any other state agency. The secretary-treasurer or the



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701 executive director shall keep a true and accurate account of
702 all funds received by the board and all expenditures made by
703 the board.

704 (d) (1) The Commencing on June 1, 2024 the board may not
705 acquire ~~and or~~ hold, in its own name, any additional real
706 property by purchase, gift, grant, or other ~~lawful~~ means,
707 ~~except eminent domain, which real property is used by the~~
708 ~~board to carry out its responsibilities.~~

709 (2) The board may ~~also~~ transfer, sell, convey, or cause
710 to be conveyed real property and any improvements thereon,
711 subject to the requirements of this section. ~~In purchasing any~~
712 ~~real property, the board may expend its own funds, and any~~
713 ~~obligations created in connection with the purchase of real~~
714 ~~property shall solely and exclusively be obligations of the~~
715 ~~board and shall not create debts, obligations, or liabilities~~
716 ~~of the State of Alabama."~~

717 "§34-24-314

718 The Commencing on June 1, 2024, the State Board of
719 Medical Examiners may not acquire and hold, in its own name,
720 any additional real property by purchase, gift, or other
721 lawful means, ~~except eminent domain, which real property is~~
722 ~~used by the board to carry out its responsibilities.~~ The board
723 may ~~also~~ transfer, sell, convey, or cause to be conveyed real
724 property and any improvements thereon, subject to the
725 requirements of this section. ~~In purchasing any real property,~~
726 ~~the board may expend its own funds, and any obligations~~
727 ~~created in connection with the purchase of the real property~~
728 ~~shall solely and exclusively be obligations of the board and~~



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729 ~~shall not create debts, obligations, or liabilities of the~~
730 ~~State of Alabama.~~ As used in this section, real property shall
731 include land, lots, and all things and interests, including
732 lease hold interests, pertaining thereto, and all other things
733 annexed or attached to the land which would pass to a vendee
734 by conveyance of the land or lot, including mineral and gas
735 and oil interests. All sales or leases made by the board of
736 any real property owned or held by the board shall be subject
737 to the requirements of Article 3, Chapter 15, Title 9.
738 Notwithstanding the foregoing, the proceeds from the sale of
739 real property owned by the board which are distributed
740 pursuant to Section 9-15-83 shall be paid to the board."

741 "§41-10-725

742 (a) The institute shall have the following powers:

743 (1) To design, implement, and amend a program or
744 programs to provide for the recruitment of, and the promotion
745 of training programs and opportunities for, new craft trade
746 workers for the construction industry and the users of the
747 construction industry.

748 (2) To educate the public about career opportunities as
749 craft trade workers in the construction industry.

750 (3) To acquire, receive, and take title to, by
751 purchase, gift, lease, license, devise, or otherwise, to hold,
752 keep, improve, maintain, equip, furnish, and develop personal
753 property, and to transfer, convey, donate, sell, lease,
754 license, grant options to, assign, or otherwise dispose of
755 property of every kind and character, real, personal, mixed,
756 tangible and intangible, and any and every interest therein,



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757 to any person or entity.

758 (4) To accept gifts, grants, bequests, or devises of
759 money and tangible and intangible personal property.

760 (5) To make and alter bylaws, not inconsistent with the
761 provisions of this division or laws of the State of Alabama,
762 for the administration and regulation of the affairs of the
763 institute.

764 (6) To make, enter into, and execute contracts,
765 agreements, leases, licenses, or other legal arrangements and
766 to take such steps and actions as may be necessary or
767 convenient in the furtherance of any purpose or the exercise
768 of any power provided or granted to it by this section.

769 (7) To engage in media advertising, marketing, website
770 creation, website design, website maintenance, database
771 creation, database design, database maintenance, data and
772 information collection, and data and information dissemination
773 and distribution, including the dissemination or distribution
774 of data and information on potential construction workforce
775 recruits, to the construction industry, users of the
776 construction industry, and educational institutions, or other
777 entities, as deemed necessary or appropriate by the institute
778 in its sole discretion.

779 (8) To conduct surveys, studies, metrics, and other
780 analyses of the construction industry and its potential
781 workforce, and to disseminate or distribute the surveys,
782 studies, metrics, and other analyses of the construction
783 industry and its potential workforce to the construction
784 industry, users of the construction industry, and educational



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785 institutions, or other entities, as deemed necessary or
786 appropriate by the institute in its sole discretion.

787 (9) To incur ancillary costs, project costs,
788 advertising costs, and recruitment costs and to pay these
789 costs out of proceeds of the Recruitment and Training
790 Promotion Fund.

791 (10) To make application directly or indirectly to any
792 federal, state, county, or municipal government or agency or
793 to any other source, public or private, for grants or other
794 similar financial assistance in furtherance of the institute's
795 purpose and to accept and use the same upon the terms and
796 conditions as are prescribed by the federal, state, county, or
797 municipal government or agency or other source.

798 (11) To employ and provide for the compensation of an
799 executive director and staff and support personnel according
800 to policies and procedures adopted by the institute. The
801 executive director and the employees of the institute shall
802 not be considered state employees; however, the director and
803 employees may petition the Employees' Retirement System and
804 the State Employees' Insurance Board for inclusion in these
805 systems subject to terms and conditions of similarly situated
806 persons who may petition for benefits from these entities. The
807 Employees' Retirement System may elect to provide retirement
808 benefits and the State Employees' Insurance Board may elect to
809 provide health insurance benefits to the employees of the
810 institute upon petition of the employees and subject to terms
811 and conditions for similarly situated employees of other
812 public entities.



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813 (12) To hire accountants, attorneys, engineers,
814 consultants, and other professionals as the board shall deem
815 necessary for the conduct of the business of the institute.

816 (13) To provide grants to educational, governmental,
817 nonprofit, community-based, workforce development, economic
818 development, and other organizations and associations engaged
819 in the education, recruitment, training, placement, and
820 professional development of persons engaged in activities
821 leading to the furtherance of careers in commercial and
822 industrial construction in accordance with the purposes of the
823 institute.

824 (14) To cooperate or partner, or both, with regional
825 and national organizations promoting construction workforce
826 development, including the sharing of non-monetary marketing
827 and educational resources and databases, in furtherance of the
828 purposes of the institute.

829 (15) To do all things necessary or convenient to carry
830 out the powers and purposes conferred by this section.

831 (16) To exercise any and all powers permissible under
832 state law not in conflict with the purposes of the institute.

833 (b) Commencing on June 1, 2024, the commission may not
834 purchase or acquire, by any means, any additional real
835 property."

836 Section 3. This act shall become effective on June 1,
837 2024.