



Alabama Department of Examiners of Public Accounts

Sunset Report **Board of Electrical Contractors Montgomery, Alabama**

October 1, 2022 through September 30, 2023

ALABAMA STATE HOUSE

Rachel Laurie Riddle, Chief Examiner



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October 23, 2024

Representative Margie Wilcox
Chairman, Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Representative Wilcox:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Board of Electrical Contractors in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Board of Electrical Contractors in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiner
Rodney Wagstaff

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PROFILE

Purpose/Authority

The Alabama Board of Electrical Contractors (the “Board”) was established by Act Number 1985-921, Acts of Alabama. The Board licenses and regulates electrical contractors. The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-36-1 through 34-36-18.

The following Act passed since the last sunset review has not been codified in the current statutory authority.

Act Number 2024-375, Acts of Alabama, relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Electrical Contractors until October 1, 2025, with certain modifications; to amend Sections 34-36-7 and 34-36-16, *Code of Alabama 1975*, to prohibit the issuance of new provisional electrical contractors’ licenses; and to permit the renewal of existing provisional electrical contractors licenses. A copy of this Act is included in Appendix II of this report.

<u>Characteristics</u>	
Members and Selection	The Board consists of nine members appointed by the Governor. There are seven members currently serving. <i>Code of Alabama 1975</i> , Section 34-36-4(c)
Term	Board members shall be appointed for terms of three years. Each term shall expire on June 30 of the last year of the term, and no member shall serve more than two consecutive three-year terms. Members shall serve until their successors are appointed. <i>Code of Alabama 1975</i> , Section 34-36-4(c)

Qualifications	<p>Each person eligible for appointment to serve on the Board shall be citizen of the United States and resident of Alabama.</p> <ul style="list-style-type: none"> • Seven members appointed to the Board one from each congressional district: <ul style="list-style-type: none"> ◆ Shall be actively engaged in the electrical construction business as a qualified person with an electrical construction background of not less than five consecutive years. ◆ Shall hold certificates to validate competence as an electrical contractor in the electrical construction field. • Two members appointed to the Board as at-large members: <ul style="list-style-type: none"> ◆ Shall be members of the Alabama State Electrical Workers Association. <p><i>Code of Alabama 1975, Section 34-36-4(b)</i></p>
Consumer Representation	<p>No specific statutory requirement. No consumer representation on the Board.</p>
Racial Representation	<p>No specific statutory requirement. One minority member serving on the Board.</p>
Geographical Representation	<p>One member shall be appointed from each congressional district, and there shall be two at-large members who shall be appointed from within the state.</p> <p><i>Code of Alabama 1975, Section 34-36-4(c)</i></p>
Other Representation	<p>The membership of the Board should be inclusive and should reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975, Section 34-36-4(b)</i></p>
Compensation	<p>The members of the Board shall receive up to \$300 per day with a limit of 15 days per year while performing their official duties, in addition to the same per diem and mileage as provided to state employees.</p> <p><i>Code of Alabama 1975, Section 34-36-5</i></p>
Attended Board Member Training	<p>Seven current Board members. Two former Board members. Two employees of the prior Administrative Services provider.</p>

<u>Operations</u>	
Administrator	<p>Currently, the Board has an inter-agency agreement with the Alabama Licensing Board for General Contractors to provide administrative management services for its day-to-day operations. Executive Director Tiffany Loveless offers her services as Executive Director for the Board. The inter-agency agreement is for twenty-five months beginning September 15, 2024 for \$15,000.00 per month (\$180,000.00 annually).</p> <p><i>Code of Alabama 1975</i>, Section 34-36-4(i)</p>
Location	<p>445 Dexter Avenue, Suite 3060 Montgomery, AL 36104</p> <p>Office Hours: Monday – Friday 8:00 a.m. – 5:00 p.m.</p>
Real Property Ownership	The Board does not own any real property.
Employees	The Board employs two part-time, retired state employees. One as an investigator and one as a paralegal.
Legal Counsel	The Board contracts with a private attorney, Hendon Coody, to serve as general counsel. The current contract is for \$195.00 per hour, not to exceed \$100,000.00 per contract year, plus reasonable and necessary expenses not to exceed \$10,000.00 each contract year. The total contract amount shall not exceed \$110,000.00 per contract year. The current contract term is March 1, 2023 through February 28, 2025.
Subpoena Power	The Board does not have subpoena power except as provided by the Administrative Procedures Act, <i>Code of Alabama 1975</i> , Section 41-22-12 for hearings and contested cases.
Internet Presence	<p>www.aecb.alabama.gov</p> <p>The website contains the Board’s current statutes and rules, disciplinary actions, minutes of the Board’s meetings, public records requests link, fees, forms and testing information, continuing education information, latest news, consumer complaint form, licensee search, and contact information.</p>

<u>Financial</u>	
Source of Funds	The Board's sources of funds include licensing fees, continuing education provider fees, examination fees, and fines and penalties.
State Treasury	Yes, a Special Revenue Fund in the State's Treasury. <i>Code of Alabama 1975</i> , Section 34-36-17
Required Distributions	None
Unused Funds	Any funds unspent and unencumbered at the end of any state fiscal year in excess of \$100,000 shall be transferred into the State General Fund on or before January 15 of the succeeding year. <i>See Prior Significant Issue 2020-001.</i> <i>Code of Alabama 1975</i> , Section 34-36-17

<u>Licensure</u>									
Licensees	<p>Active licensees as of September 23, 2024:</p> <table border="1" data-bbox="529 323 1198 478"> <tr> <td>Electrical Contractors</td> <td>3,677</td> </tr> <tr> <td>Journeyman Electricians</td> <td>1,482</td> </tr> <tr> <td>Provisional Electrical Contractors</td> <td>368</td> </tr> <tr> <td>Total</td> <td>5,527</td> </tr> </table> <p><i>Source:</i> Prior Executive Director</p>	Electrical Contractors	3,677	Journeyman Electricians	1,482	Provisional Electrical Contractors	368	Total	5,527
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Total	5,527								
Licensure Qualifications	<p>All applicants for licensure as an electrical contractor or journeyman electrician must submit a completed application, application fee, and supportive documentation of qualifications before taking an examination approved by the Board.</p> <p>A licensee shall be a citizen of the United States or legally present in the United States with appropriate documentation from the federal government.</p> <p><u>Electrical Contractor</u></p> <ul style="list-style-type: none"> • Must document to the Board’s satisfaction a minimum of eight thousand hours of experience in the overall design, planning, lay-out, and direct supervision of electrical construction activities and the soliciting and installing of electrical power or control systems. This requirement may be satisfied with the documentation of 8,000 hours of experience as a journeyman electrician in charge of jobs. • An applicant for an electrical contractor’s license that holds a valid professional engineer’s license registered in the state of Alabama is qualified to sit for the requisite examination. <p><u>Journeyman Electrician</u></p> <ul style="list-style-type: none"> • Applicants for the state-wide journeyman electrical examination must demonstrate a minimum of 8,000 hours experience that includes the installation of electrical wiring, apparatus or equipment for lighting or power, and/or controls thereof. This work must be commercial, industrial or residential. The applicant must also be capable of performing said work according to plans and specifications furnished to him or her and in accordance with standard rules and regulations governing such work. <p><i>Code of Alabama 1975, Sections 34-36-7(a), (c), & (d)</i> <i>Administrative Rules 303-X-2-.01 and 303-X-2-.02</i></p>								

Examinations

Applicants must pass a standardized exam approved by the Board. The Board has approved options for Electrical Contractors and Journeyman applicants to take the approved state exam or a national examination. Additionally, there is a required examination for those applicants who hold a provisional license to become a licensed Electrical Contractor.

All applicants must take Business and Law examination. These questions are incorporated in the State's Examinations but not the national examinations. The Board contracts with Prov, Inc. to develop, and administer the licensing examinations. Fees for exams are paid directly to the Board.

Testing centers are located at Athens State University, Auburn University, Jefferson State Community College (Jefferson Campus), Jefferson State Community College (Shelby-Hoover Campus), Enterprise State Community College, Calhoun Community College (Huntsville Campus), University of Alabama (Huntsville Campus), Jacksonville State University, University of South Alabama, Alabama State University, Auburn University Montgomery, and Shelton State Community College.

Electrical Contractor Examination (State's Examination)

Calendar Year	# Taken	# Passed	% Passed
2023	229	111	48%
2024*	324	160	49%

Electrical Journeyman Examination (State's Examination)

Calendar Year	# Taken	# Passed	% Passed
2023	203	139	68%
2024*	246	163	66%

**Electrical Contractor (Restricted) Examination
(Provisional Licensees Only)**

Calendar Year	# Taken	# Passed	% Passed
2023	1	0	0%
2024*	103	18	17%

**Master/Unlimited Electrical Contractor Examination
(National Examination)**

Calendar Year	# Taken	# Passed	% Passed
2023	224	28	13%
2024*	72	13	18%

**Examinations
(continued)**

**Journey-Level Electrician Examination
(National Examination)**

Calendar Year	# Taken	# Passed	% Passed
2023	226	38	17%
2024*	67	29	43%

Electrical Contractor Business and Law Examination

Calendar Year	# Taken	# Passed	% Passed
2023	266	224	84%
2024*	135	125	93%

*Through September 30, 2024.

Pass/fail statistics for students from Alabama educational institutions are not available. Postsecondary education is not a requirement to sit for the licensure examination.

Code of Alabama 1975, Section 34-36-7(a)

Source: Prior Executive Director

Reciprocity	<p>The Board may recognize a license issued by any other state that, in the opinion of the Board, has standards of practice or licensure equal to or higher than those required by this state.</p> <p>The Board has reciprocity agreements with Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.</p> <p><i>Code of Alabama 1975</i>, Section 34-36-7(b)</p>
Renewals	<p>Licenses are renewed annually.</p> <p>85% renewals performed online.</p> <p><i>Code of Alabama 1975</i>, Section 34-36-8(a) <i>Administrative Rule</i> 303-X-2-.03 <i>Source</i>: Prior Executive Director</p>
Licensee Demographics	<p>Data not collected by agency.</p> <p><i>Source</i>: Prior Executive Director</p>
Continuing Education	<p>All persons holding an electrical contractor license shall be required to complete 14 hours of continuing education every two years.</p> <p>There are no requirements for continuing education for Journeyman Electricians.</p> <p><i>Code of Alabama 1975</i>, Section 34-36-8(b)</p>

SIGNIFICANT ISSUES

Significant Issue 2024-001: The Board failed to ensure compliance with the *Code of Alabama 1975*, Section 36-27-8.2 which limits compensation for retired state employees. A retiree employed by the Board was paid a total of \$73,125.60 from two entities participating in the Employees' Retirement System and the Teachers' Retirement System for calendar year 2023, exceeding the maximum amount allowed by \$33,042.27.

The *Code of Alabama 1975*, Section 36-27-8.2 allows any employee who is retired under the Employees' Retirement System to perform duties, including as an independent contractor, with any employer participating in the Employees' Retirement System (ERS) or the Teachers' Retirement System (TRS) without suspension of his or her retirement allowance provided that: (i) the individual is not employed in a full-time capacity; and (ii) the individual's compensation from the employer does not exceed the maximum amount allowed for any calendar year. For calendar year 2023, the maximum amount an individual was allowed to be compensated was \$37,000.00 per year.

Further, this section places the responsibility for compliance upon the employing authority, and each retiree performing duties under this section shall certify to the employer any information required in order to carry out this section. In a letter dated, May 30, 2023, the Board appointed an ERS retiree as a part-time retired state employee at a rate of \$54.50 per hour, not to exceed \$37,000.00 annually and stipulated that the retiree's hours should not exceed 39 hours per week. The appointment letter was effective June 1, 2023, and contained an acknowledgement of the stipulations by the retiree.

During calendar year 2023, the Board paid the retiree \$36,125.64. While the amount received by the retiree from the Board did not exceed the maximum amount allowed, it was found that the retiree was also an independent contractor with another agency that participates within TRS. The TRS agency had a professional services contract, in the amount of \$37,000.00, with a single member limited liability company (LLC). The retiree was the single member of the LLC, and the LLC was paid \$33,916.63 by the TRS agency during calendar year 2023.

Significant Issue 2024-002: Written receipts were not executed for eleven property items totaling \$99,301.79. The responsibility for the eleven property items was assigned to the prior Executive Director. Failure to accurately document possession of property items could result in the property manager being responsible for the potential loss and/or misuse of Board assets. Upon notification, the property manager executed a written receipt for the relevant property items.

The *Code of Alabama 1975*, Section 36-16-8(2) states, "Each property manager shall be the custodian of, and responsible for, all property in his or her department or agency. When any property is *entrusted to other employees or officers of the department or agency, the property manager shall require a written receipt of the property so entrusted, which receipt shall be executed by the person receiving the property.* In that event, the property manager shall be relieved of responsibility of the property, and the employee or officer of the department or agency shall be responsible for the property."

Significant Issue 2024-003: During the Sunset Review period, the Board incorrectly coded \$13,640.00 in examination fees as licensure fees and \$2,500.00 in licensure fees as examination fees. As a result, the reported income in these revenue categories were inaccurately recorded in the Board’s accounting records.

According to the State of Alabama Department of Finance’s *Fiscal Policy and Procedures Manual*, “Deposits of revenues include taxes, fees, fines, interest, rent, grants, and federal funds. Agencies are required to enter the four-digit revenue source code from the chart of accounts and select the revenue source code that describes the receipt that is being certified.”

Significant Issue 2024-004: The Board did not practice appropriate fiscal responsibility relating to the purchase of vehicles and the Board investigator’s travel.

On May 2, 2022, the Board purchased a 2017 Chevrolet Tahoe at a cost of \$32,500.00. The Board utilized this vehicle to run errands and pick up mail from the Central Mail Room. After the Board’s purchase of the vehicle, the Board’s investigator continued to travel around the state performing investigative duties in a personal vehicle and claim mileage reimbursement, rather than using the Board’s vehicle. Subsequently, on January 31, 2024, the Board purchased a 2023 Ford F-150 at a cost of \$56,696.00 and assigned it to the investigator. During the period between October 1, 2022 through July 31, 2024, the investigator received payments totaling \$28,787.77 in mileage reimbursement.

According to the Department of Finance’s *Fiscal Policy and Procedures Manual*, “The guiding principle behind the policies and procedures governing travel is to travel responsibly. The word “responsibly” means that the traveler exercises the same care in incurring expenses for travel in service of the state that a prudent person would exercise if traveling at personal expense. An individual traveling in service of the state is responsible for incurring only those costs that are reasonable and necessary for carrying out service to the state. Agency heads are expected to exercise good judgement and sound fiscal policy when approving travel.”

Significant Issue 2024-005: The Board paid for services that should have been included in the contract with its administrative services provider. The Board entered into a contract with Smith Warren Management Services, Inc., for the period of October 1, 2023 through September 30, 2024 to provide administrative services and facilities to include an executive director, staff, investigators, legal assistant, finance and accounting, offices, equipment, conference room, and any other services to facilitate the licensing and regulation of electrical contracting at a cost of \$42,500.00 per month (\$510,000.00 per year). According to the Board, the contract was necessary to provide the most cost-effective way to maximize resources and operations at the lowest cost for the Board to have access to multiple investigators, executive and financial staff resulting in personnel and retirement savings.

At its July 17, 2023 meeting, the Board reviewed a Proposal from Smith Warren Management Services, Inc. and voted unanimously to accept it and to enter a contract reflecting the terms, specifications, and services stated in the Proposal. The Proposal accepted by the Board, states that the “proposed fee of \$42,500 per month includes all required services outlined in the specifications”. The fee was further broken down to include the following:

Executive Services	\$10,000
Administrative Services	15,000
Financial Services	7,500
Office and Equipment	5,000
Investigative/Legal Asst.	<u>5,000</u>
Total per Month	\$42,000

A review of the Board’s expenditures made during the contract period indicated that the Board expended funds in addition to the \$42,500.00 per month contract rate for the following expenses:

- Personnel costs totaling \$30,868.53 for an Investigator.
- Personnel costs totaling \$44,430.47 for a Policy Director/State Government Liaison.
- Employee benefits totaling \$6,962.96 incurred due to the personnel costs related to the Investigator and Policy Director/State Government Liaison.

Unless subsequent authorization was voted on and approved by the Board, these additional expenditures should have been covered under the terms and conditions of the contract as described. Contracts function as a record of rights, responsibilities, and obligations of the parties who have signed it. The Board is responsible for ensuring contract invoices are properly reviewed and analyzed and the vendor provides all goods and services pursuant to contractual terms and conditions.

Significant Issue 2024-006: The Board has an administrative rule in effect establishing a fee for initial provisional electrical contractor licenses. Additionally, the Board adopted an administrative rule discontinuing the renewal of provisional electrical contractor licenses. These administrative rules conflict with Act Number 2024-375, Acts of Alabama which discontinued the issuance of new provisional electrical contractor licenses but allowed for the continued renewal of active provisional electrical contractor licenses.

According to *Administrative Rule* 303-X-2-.01(13), no provisional license will be renewed after June 30, 2024. Additionally, *Administrative Rule* 303-X-2-.06(1)(m) still has the initial provisional license fee set at \$75.00.

Significant Issue 2024-007: **The Board failed to properly notify the Secretary of State of vacancies occurring on the Board.** The Board did not notify the Secretary of State of vacancies occurring as a result of the expiration of three Board members’ terms that expired on June 30, 2023. As a result, potential candidates for the vacancies may not receive sufficient notice and cause the Board to not receive input from all interested candidates to fill vacancies.

The *Code of Alabama 1975*, Sections 36-14-17(c)(1) states, “The chair of an existing Board shall notify the Secretary of State by electronic means of a vacancy scheduled to occur on the Board as a result of the expiration of a term at least 45 days before the vacancy occurs.”

Significant Issue 2024-008: **The Board has not complied with certain provisions of Executive Orders issued by the Governor.** The Board has not established written policies to address the proper use and disposal of state vehicles as required by Governor Ivey’s Executive Order 728: Promoting Efficiency and Accountability in the Use of State Vehicles. Additionally, the Board has not established administrative rules to set reasonable fees for responding to public records requests nor identified an employee to serve as the agency’s Public Records Coordinator as required by Governor Ivey’s Executive Order 734: Promoting Transparency in State Government Through Enhanced Accessibility to Public Records.

Executive Order 728, effective January 17, 2023, requires each state executive-branch agency, by July 1, 2023, to adopt a written policy concerning the disposal of unnecessary state vehicles and the proper use and assignment of state vehicles. To promote public confidence in the stewardship of state resources, such policies shall provide objective criteria to determine when a vehicle may properly be assigned to an individual state employee to efficiently conduct the agency's official government business.

Additionally, ***Executive Order 734***, effective January 26, 2023, states, “Within 90 days of the issuance of this order, each state executive-branch agency shall revise its public-records policies - including, if necessary, by giving notice of its intention to adopt or amend administrative rules - to ensure that it charges no more than the following reasonable fees for responding to public-records requests. (a) **Document retrieval and preparation.** Up to \$20.00 per hour, including a standard, minimum fee of \$20.00. (b) **Per-page fees.** Charge a per-page fee of up to \$0.50. (c) **Actual costs.** Charge any actual costs incurred while processing or responding to a public-records request.”

Further, ***Executive Order 734*** states, “Within 90 days of the issuance of this order, each state executive-branch agency shall identify an employee to serve as the agency's public-records coordinator.”

SIGNIFICANT ISSUES FROM QUESTIONNAIRES

Prior Significant Issue 2023-001: Thirteen of the twenty-three licensees that responded to our survey indicated that the most significant issue currently facing their profession in Alabama is the shortage of skilled labor or qualified electrical contractors performing electrical work.

Current Status: Unresolved. Ten of the thirty licensees (33%) that responded to our survey indicated that the most significant issue currently facing their profession in Alabama is the shortage of skilled labor or qualified electrical contractors performing electrical work.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

All prior findings/significant issues have been resolved, except for the following:

Prior Significant Issue 2020-001: The Board is not accurately reporting its encumbrances and accounts payable at the end of the fiscal year to the Comptroller's Office. The Board encumbered \$101,087.28 at the end of fiscal year 2019 and expended \$27,890.38 in the next fiscal year. The Board encumbered \$73,846.38 at the end of fiscal year 2020 and expended \$19,386.74 in the next fiscal year. As a result of overstating encumbrances and accounts payable for fiscal year 2020 the Board did not transfer the correct amount of unspent funds in excess of \$100,000.00 to the State General Fund.

Current Status: Partially Resolved. While the Board is more accurately reporting its encumbrances and accounts payable at the end of the fiscal year to the Comptroller's office, it is not transferring the correct amount of unspent funds in excess of \$100,000.00 to the State General Fund. At the end of fiscal year 2023, the Board's Unreserved Cash Balance was only \$79,951.62, meaning no transfer to the State General Fund was required. However, the Board transferred \$58,704.98 to the State General Fund, exceeding the amount statutorily required.

QUESTIONNAIRES

Electrical Contractor Licensee Questionnaire

A letter was sent to one hundred electrical contractor licensees requesting participation in our survey. Sixteen participated in the survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) currently facing your profession in Alabama?

Respondent #1 – “Un-licensed electrical contractors performing work.”

Respondent #2 – “Too much regulation”

Respondent #3 – “Lack of qualified and willing help”

Respondent #4 – “Worker protection and health insurance at job”

Respondent #5 – “Well the continuing education is an inconvenience and unnecessary.. and the guys with provisional license that has held them for years should be left alone and give them their correct license without further testing..”

Respondent #6 – “Unknown”

Respondent #7 – “Maintaining an active status with the contractors board and being dependent on them to correctly process the CED class paperwork.”

Respondent #8 – “Lack of Qualified Personnel”

Respondent #9 – “Lack of trained manpower!!”

Respondent #10 – “Way too much government legislature for this profession.”

Respondent #11 – “Still unlicensed people performing electrical work.Need county wide/state wide inspections”

Respondent #12 – “Current federal administration regulation and stance regarding employers, the continuation of those policies, and the likely hood the policies will become more restrictive over the next two years.”

Respondent #13 – “qualified electricians and helpers. problem with drugs and drivers lic.”

Respondent #14 – “State regulations limiting my ability to grow my company.”

Respondent #15 – “Unlicensed practitioners”

Respondent #16 – “Illegal electrical work”

2. Do you think regulation of your profession by the Alabama Electrical Contractors Board is necessary to protect the public welfare?

Yes	11	69%
No	5	31%

3. Do you think any of the Board's laws, rules, or policies are an unnecessary restriction on the practice of your profession?

Yes	5	31%
No	9	56%
Unknown	2	13%

4. Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws?

Yes	10	63%
No	4	25%
Unknown	2	13%

5. Do you consider mandatory continuing education necessary for the competent practice of your profession?

Yes	10	63%
No	6	38%

6. Does the Board respond to your inquiries in a timely manner?

Yes	10	63%
No	1	6%
Unknown	5	31%

7. Has the Board performed your licensing and renewal in a timely manner?

Yes	15	94%
No	1	6%

8. Do you have any additional comments you would like to make?

Respondent #1 – “None. Thank you.”

Respondent #2 – “Question 5 - continuing education shouldn't be as frequent.”

Respondent #3 – “The CEU requirements for Provisional License requirements need to be tailored for that profession.”

Respondent #4 – “The board has done a great job keeping Alabama safe and helping me with any questions or concerns. They are great”

Respondent #5 – “We appreciate the electrical board for being there for us.. but we hate the continuing education most of us have to run a business and stress every day so that's just additional pressure that is not needed .. we already have to keep up with code changes every year anyway without having to take an extra class or two in time out of our life..”

Respondent #6 – “No”

Respondent #7 – “Electrical inspectors are doing the job of protecting the public's welfare. It seems from our end that the purpose of the board is to generate revenue via a regulatory fee when we are already paying for liability insurance and licensing for the privilege of being in business.”

Respondent #8 – “The main issue we have in the Electrical field right now is finding qualified manpower”

Respondent #9 – “have no problems with the current system & board. When I do have a need or questions it is ALWAYS answered or handled in a VERY timely manner.”

Respondent #10 – “Most of what Alabama has in place is a good thing. Only Qualified persons should operate in this highly dangerous profession. However, dialing it down on Business regulations would go a long way with helping companies grow and expand, Which would also help the states economy.”

Respondent #11 – “I was told many years ago that we would have state wide inspections, hopefuuly all inspectors will be on the same code cycle”

Respondent #12 – “No”

Respondent #13 – “no”

Respondent #14 – “Executive director seems to want to be a law enforcement officer. How can he be an effective director with 15 other boards he controls. Money grabber.”

Respondent #15 – “no”

Respondent #16 – “I think it stinks how y'all have treated the electricians that 40 years ago were given a test and now it's not grandfathered in on the new laws”

Journeyman Licensee Questionnaire

A letter was sent to one hundred journeyman licensees requesting participation in our survey. Fourteen participated in the survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) currently facing your profession in Alabama?

Respondent #1 – “Lack of enforcement of requiring certification. Been in trade 40+ years and have had Journeyman's Card since 1991. Worked all over SouthEast on just about any kind of job imaginable and I have never had to show this at any time. Worked 14 years with [REDACTED] and was laughed at when subject was brought up.”

Respondent #2 – “Higher pay out of state draws too many skilled workers away from home”

Respondent #3 – “None”

Respondent #4 – “Lack of mentors and those willing to teach; Pay”

Respondent #5 – “Lack of new, young people that have the wish to learn a trade that requires work and intelligence.”

Respondent #6 – “unlicensed work and not properly supervised work. Lack of Standard/equal training”

Respondent #7 – “Finding the competent people to do the work.”

Respondent #8 – “The lack of concern for the balance of work and the worker’s home life.”

Respondent #9 – “Labor”

Respondent #10 – “Inflation and shortage on material”

Respondent #11 – “Widespread incompetence with engineers. Supply chain issues. A workforce that actually wants to work.”

Respondent #12 – “Experienced labor/helper to assist on jobs”

Respondent #13 – “High prices for goods and services compounded by low wages. Wasted tax revenue. Illegal aliens being placed throughout Alabama taking OUR jobs and draining OUR securities while citizen's struggle.”

Respondent #14 – “Economy”

2. Do you think regulation of your profession by the Alabama Electrical Contractors Board is necessary to protect the public welfare?

Yes	12	86%
No	2	14%

3. Do you think any of the Board’s laws, rules, or policies are an unnecessary restriction on the practice of your profession?

Yes	3	21%
No	9	64%
Unknown	2	14%

4. Are you adequately informed by the Board of changes to and interpretations of the Board’s positions, policies, rules, and laws?

Yes	8	57%
No	1	7%
Unknown	5	36%

5. Do you consider mandatory continuing education necessary for the competent practice of your profession?

Yes	11	79%
No	3	21%

6. Does the Board respond to your inquiries in a timely manner?

Yes	8	57%
Unknown	6	43%

7. Has the Board performed your licensing and renewal in a timely manner?

Yes	14	100%
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8. Do you have any additional comments you would like to make?

Respondent #1 – “Think there should be Continuing Education requirements for Journeymen as well as Masters. Only people taking Masters Exam are ones planning on going into business. Most job runners out on job have no idea of current Code and haven't looked at a Code book since taking Journeymen's exam.”

Respondent #2 – “No”

Respondent #3 – “No”

Respondent #4 – “n/a”

Respondent #5 – “The Board is bound by a ethical and moral obligation to ensure that all electricians are properly trained and licensed in order to protect the public from any potential dangers involving electrical circuits.”

Respondent #6 – “When it comes to a Journeyman applying and taking the Contractors exam, I feel there needs to be exception made to the unnecessary documentation needed to qualify. I personally would have already taken the exam if it not for this. I feel after 20 yrs in the trade I either will put in the work and study to pass or I wont. The state gets paid either way.”

Respondent #7 – “No”

Respondent #8 – “I believe the lack of an appropriate scale of pay is the reason many peoples in my profession have started to give up on their craftsmanship. Being told to work faster and risk injuring ourselves isn't the way to put out quality work, no one wants to take the time and look over the job, obtain the proper information or obtain the required tools and materials. Workers are forced to have to walk a job down just because it has been neglected till the time the work needs to be installed”

Respondent #9 – “NO”

Respondent #10 – “None at this time”

Respondent #11 – “This board is a necessity to keep Alabama's contractors strong. Please fight to keep this regulatory board controlled by our state and not the feds. ”

Respondent #12 – “N/A”

Respondent #13 – “I would like to thank you for this questionnaire. The less government regulations the better. The less spending the better. Help and not hinder. Balance.”

Respondent #14 – “None”

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APPENDICES

Appendix I - Applicable Statutes

Article 1 General Provisions.

Section 34-36-1 Short Title.

This chapter shall be known and may be cited as the "Alabama Electrical Contractors Act" and shall be construed and implemented to promote the purposes and policies set forth in this chapter.

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §1; Act 2010-540, p. 932, §1.)

Section 34-36-2 Declaration Of Purpose.

The "Alabama Electrical Contractors Act" is enacted for the purpose of safeguarding homeowners and other property owners and tenants against faulty, inadequate, inefficient, or unsafe electrical installations and to protect the life, health, and property of homeowners and other property owners and tenants in the State of Alabama. Electrical contracting is hereby declared to be affected with the public interest, and this chapter shall be liberally construed so as to accomplish the foregoing purpose.

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §2.)

Section 34-36-3 Definitions.

The following terms shall have the meanings respectively ascribed to them used in this chapter, for the purposes of this chapter, unless the context clearly requires a different meaning:

(1) BOARD. The Alabama Board of Electrical Contractors.

(2) DIRECTOR. The Executive Director of the Alabama Board of Electrical Contractors.

(3) ELECTRICAL CONTRACTING. Any job or project in the State of Alabama wherein the electrical contractor proposes to bid, install, maintain, alter, or repair any electric wiring devices or equipment.

(4) ELECTRICAL CONTRACTOR. Any person, firm, or corporation who is engaged in the business of soliciting and installing electrical power or control systems; maintaining, altering, or repairing electrical power or control systems, any electrical wiring devices, equipment, or any other electrical apparatus. A person who possesses the necessary qualifications, training, and technical knowledge to plan, lay out, and supervise the installation of electrical wiring, apparatus, or equipment for lighting, heating, power, or controls and who possesses any of the following qualifications:

a. Four years of practical experience as a journeyman electrician in charge of jobs.

b. Four years of experience in the design and construction of electrical systems.

(5) JOURNEYMAN ELECTRICIAN. A person who possesses necessary qualifications, training, and technical knowledge to install electrical wiring, apparatus, or equipment lighting, heating, or power or control covered by this chapter. He or she shall work under a master or state certified electrical contractor and shall be capable of doing work according to plans and specifications furnished to him or her and in accordance with standard rules and regulations governing such work.

(6) LICENSE. A valid and current certificate of registration issued by the director on behalf of the board which shall give the named person to whom it is issued authority to engage in the activity prescribed thereon.

(7) LICENSEE. Any person holding a license.

(8) PERSON. A human person, not a legal entity.

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §3; Acts 1988, No. 88-129, p. 184, §1; Act 2010-540, p. 932, §1.)

Section 34-36-4 Board Of Electrical Contractors.

(a) The Alabama Board of Electrical Contractors is created.

(b) A person to be eligible for appointment to serve on the board shall be a citizen and resident of Alabama. Each person appointed to the board from each congressional district shall be actively engaged in the electrical construction business as a qualified person with electrical construction background of not less than five consecutive years, and shall hold certificates to validate his or her competence as an electrical contractor in the electrical construction field. The two persons appointed to the board as at-large members shall be members of the Alabama State Electrical Workers Association. The membership of the board should be inclusive and should reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(c) The board shall consist of nine members to be appointed by the Governor. One member shall be appointed from each congressional district, and there shall be two at-large members who shall be appointed from within the state. The board members from the First, Second, and Third Congressional Districts shall be appointed for terms of one year; the board members from the Fourth, Fifth, and Sixth Congressional Districts shall be appointed for terms of two years; and the board member from the Seventh Congressional District as well as the at-large members shall be appointed for terms of three years. Thereafter, all board members shall be appointed for terms of three years. Each term shall expire on June 30 of the last year of the term, and no member shall serve more than two consecutive three-year terms. Vacancies on the board for any cause shall be filled by appointment by the Governor for the remainder of the unexpired term. Members shall serve until their successors are appointed.

(d) The board shall meet at least semiannually and as often as necessary. The board shall meet annually to elect officers from its membership, whose initial terms shall expire on June 30 next following their election. Special meetings of the board may be held as the board provides in its rules and regulations. The board shall meet at least once in the first quarter and once in the third quarter of the year. Five members of the board shall constitute a quorum.

(e) The board may adopt rules and regulations to carry out this chapter.

(f) Any member of the board or duly appointed hearing officer designated by the board may administer oaths and take testimony concerning all matters within the jurisdiction of the board.

(g) The board may sue and be sued in its official name. Absent negligence, wantonness, recklessness, or deliberate misconduct, members of the board are immune from liability for all good faith acts performed in the execution of their duties of the board.

(h) The board shall adopt a seal for its use containing the words: Alabama Electrical Contractors' Licensing Board.

(i) The board may employ, and at its pleasure discharge, an executive director. The board may hire other officers and administrative employees which may be necessary to implement this chapter. The board may employ, on an as needed basis, an investigator to investigate complaints. The board shall not employ electrical inspectors nor provide for any electrical inspections. The board shall outline the duties and fix the compensation and expense allowances of all employees pursuant to the Merit System Act of Alabama.

(j) The board is subject to the Alabama Sunset Law and is classified as an enumerated agency pursuant to Section 41-20-3. The board shall automatically terminate on October 1, 2012, and every four years thereafter, unless a bill is enacted that the board be continued, modified, or reestablished.

(k) Each board member shall be accountable to the Governor for the proper performance of his or her duties as a member of the board. The Governor shall investigate any complaints or unfavorable reports concerning the actions of the board and shall take appropriate action thereon, including removal of any board member for misfeasance, malfeasance, neglect of duty, commission of a felony, incompetence, or permanent inability to perform official duties. A board member may be removed at the request of the board after failing to attend three consecutive properly noticed meetings.

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §4; Acts 1988, No. 88-129, p. 184, §1; Acts 1995, No. 95-747, p. 1698, §1; Act 2010-540, p. 932, §1.)

Section 34-36-5 Compensation Of Board Members.

The members of the board shall receive up to three hundred dollars (\$300) per day with a limit of 15 days per year while performing their official duties, in addition to the same per diem and mileage as provided to state employees.

(Acts 1985, 2nd Ex. Sess., No. 85-921 p. 201 §5; Act 2010-540, p. 932, §1.)

Section 34-36-6 Powers And Duties Of Board.

(a) By rule, the board shall make provisions to do all of the following:

(1) Prepare or approve all examinations of applicants for licenses for electrical contractors and journeyman electricians.

(2) Determine the qualifications of electrical contractors to engage in the business of electrical contracting.

(3) Determine the qualifications of journeyman electricians to engage in electrical work.

(4) Provide for the investigation of written complaints filed with the board concerning alleged violations of this chapter and any rules adopted by the board.

(b) The board may suspend, revoke, or refuse to issue or renew a license and impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000), after notice and opportunity for a hearing pursuant to the Alabama Administrative Procedure Act, upon proof of any of the following actions by a licensee or applicant:

(1) Violating any provision of this chapter.

(2) Attempting to procure a license to practice electrical contracting or to work as a master electrician or journeyman electrician by bribery or fraudulent misrepresentations.

(3) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of electrical contracting, working as a journeyman electrician, or the ability to practice electrical contracting or to work as a master electrician or journeyman electrician.

(4) Making or filing a report or record which the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed electrical contractor, master electrician, or journeyman electrician.

(5) Being found guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of electrical contracting or working as a master electrician or journeyman electrician.

(6) Practicing on a revoked, suspended, or inactive license.

(7) Aiding or abetting any person to evade any provision of this chapter.

(8) Knowingly combining or conspiring with any person by allowing one's license to be used by any unlicensed person with the intent to evade this chapter. When a licensee allows his or her license to be used by any firm, partnership, association, or corporation without having any active participation in the operations or management of the firm, partnership, association, or corporation, such act constitutes prima facie evidence of an intent to evade this chapter.

(9) Acting in the capacity of a contractor under any license issued under this chapter except in the name of the licensee as set forth on the issued license.

(c) Upon finding a person, corporation, or business entity engaged in electrical contracting as defined in this chapter to be in violation of any of the provisions contained herein, the board may investigate the activities of licensed and unlicensed contractors. If the board finds that a person, corporation, or business entity is engaged in performing electrical contracting covered by this chapter without having obtained a proper license, the board may do any of the following:

(1) Deny an application for licensure with cause.

(2) Impose an administrative fine of not more than five thousand dollars (\$5,000).

(3) Issue a cease and desist order.

(4) Petition the circuit court of the county where the act occurred to enforce the cease and desist order or collect the assessed fine, or both.

(d) Any person aggrieved by any adverse action taken by the board may appeal the adverse action to the circuit court of the county in which the adverse action occurred in accordance with the Alabama Administrative Procedure Act.

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §6; Acts 1988, No. 88-129, p. 184, §1; Act 2010-540, p. 932, §1.)

Section 34-36-7 Examinations; Reciprocity With Other States; Issuance Of License; Qualification Requirements.

(a) All applicants for licensure as an electrical contractor or journeyman electrician must submit a completed application, application fee, and supportive documentation of qualifications before taking an examination approved by the board. The board shall examine applicants at least once every three months according to the method deemed by the board to be the most appropriate to test the qualifications of applicants. Any national standardized or written examination proctored by an independent third party which the board shall approve as substantially similar to the examination required to be licensed under this chapter may be administered to all applicants in lieu of or in conjunction with any other examination which the board shall give to test the qualifications of applicants. The board may establish norms of achievement required for a passing grade. The board, by rule, may adopt the National Electrical Code for the purpose of examinations.

(b) The board may recognize a license issued by any other state that, in the opinion of the board, has standards of practice or licensure equal to or higher than those required by this state. The board shall actively seek to reciprocate with those states meeting such standards. The board shall actively seek to maintain those states currently under agreement.

(c) No license shall be issued except in compliance with this chapter and none shall be issued except to a person or a person in a firm, partnership, association, or corporation. A firm, partnership, association, or corporation, as such, shall not be licensed. A licensee shall be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

(d) Commencing on the effective date of the act adding this subsection, no new provisional electrical contractor licenses may be issued by the board. Any person who is holding an active provisional electrical contractor license on that date may continue to apply for the annual renewal of that license by submitting to the board a completed application, application fee, and supportive documentation establishing that he or she holds a valid local license or permit. A local license or permit issued by a county or municipality authorizes the holder to perform electrical contractor tasks and functions only within the boundaries of the issuing county or municipality. The provisional electrical contractor license does not expand the limited geographical boundaries imposed by the local license or permit. (*Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §7; Act 2003-482, p. 1485, §1; Act 2010-540, p. 932, §1; Act 2012-102, p. 175, §3; Act 2024-375, §3.*)

Section 34-36-8 Expiration And Renewal Of Licenses; Continuing Education; Inactive Status.

(a) All licenses shall expire annually or at other times designated by the board. All applications for renewal of licenses shall be filed with the director prior to the expiration date, accompanied by the annual renewal fee prescribed by the board.

(b) The board is authorized to establish or adopt, or both, education requirements and may approve the program or programs providing education to fulfill the requirements. The board shall set the minimum standards of education. All persons holding an electrical contractor license shall be required to complete 14 hours of continuing education every two years.

(c) The board may promulgate rules regarding the approval of continuing education courses and the accounting for continuing education hours.

(d) Any person licensed by the board may elect an inactive status certificate by notifying the board in writing. The fee for the issuance and renewal of an inactive status certificate shall be established by the board. The board shall provide by rule those activities which an inactive status certificate holder may engage in and for a procedure for the reinstatement as an active status certificate holder.

(*Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §8; Act 2010-540, p. 932, §1.*)

Section 34-36-9 Failure To Renew License; Restoration Fee; New License.

An expired license for an electrical contractor which has expired for failure to renew may only be restored within five years from the date of expiration after application and payment of the prescribed restoration fee and satisfaction of all continuing education requirements. The restoration fee shall be established by the board and shall be due upon application for restoration. The restoration fee shall be in addition to all accrued renewal fees. Any license which has not been restored within five years following its expiration may not be renewed, restored, or reissued thereafter. The holder of such a cancelled license may apply for and obtain a valid license only upon compliance with all relevant requirements as prescribed by this chapter or by rule for issuance of a new license.

(*Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §9; Act 2010-540, p. 932, §1.*)

Section 34-36-10 Expiration Of Suspended Licenses.

A suspended license is subject to expiration and must be renewed or restored as provided in this chapter during the term of suspension.

(*Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §10.*)

Section 34-36-11 Fees.

The board is empowered to establish and charge reasonable fees for the administration of examinations, issuance of all active and inactive licenses, and supplying information to applicants, licensees, and the general public. Such fees shall be commensurate with the cost of fulfilling the duties of the board as defined in this chapter.

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §11.)

Section 34-36-12 Display Of Licenses.

Every person holding a license issued by the board shall display it in a conspicuous manner at his or her principal place of business.

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §12.)

Section 34-36-13 License Required; Exemptions.

(a) No person shall engage in the electrical contracting business or perform work as a master or journeyman electrician unless such person shall have received a license from the board or from the county or municipality where the electrical contracting work is being performed; provided, however, the provisions of this chapter shall not apply:

(1) To the installation, construction, or maintenance of power systems for the generation and secondary distribution of electric current constructed under the provisions of the National Electrical Safety Code which regulates the safety requirements of utilities.

(2) To the installation, construction, maintenance, or repair of telephone or signal systems by or for public utilities or their corporate affiliates, when such work pertains to the services furnished by such utilities.

(3) To any technician employed by a municipal franchised CATV system.

(4) To any master or journeyman electrician employed by a state licensee of the board or a licensee of a county or municipality where the contract work is being performed.

(5) To the owner of any premises or an employee of any such owner when performing electrical work or installing, constructing, maintaining, altering, or repairing electrical wiring, equipment, or apparatus on such premises.

(6) To an employee of an electric utility when installing or repairing electric appliances and equipment for a customer.

(7) To any retail merchant, or its employees making the installation of or the repair or maintenance on any appliance that the merchant has sold; or to any modular or manufacturer of the housing industry within the state which is regulated by state and federal governments.

(8) To the installation, construction, or maintenance of systems that operate on 25 volts or less.

(9) To the installation, construction, or maintenance of direct broadcast satellite services.

(b)(1) No license shall be issued by the board without an examination of the applicant for the purpose of ascertaining his or her qualifications for such work, but no such examination shall be required for the annual renewal of such license.

(2) This section shall in no way prohibit the governing authorities of each county and municipality in the State of Alabama from exercising their authority to require any person engaging in the electrical contracting business or performing work as a master or journeyman electrician to stand and attain a passing grade on an examination administered by such county or municipality to evidence their ability and proficiency to engage in the electrical contracting business or to perform work as a master or journeyman electrician within their jurisdiction; provided, however, that any person who holds a valid statewide license issued by the board shall be deemed qualified and, upon satisfactory proof of the license, shall be allowed to perform forthwith electrical work in any county or municipality under the terms and conditions set forth in this chapter, if such person has the proper county or municipal building permit and business license.

(c) All persons performing work under a license issued by the board must abide by all state and local laws and ordinances.

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §13; Acts 1988, No. 88-129, p. 184, §1; Act 2010-540, p. 932, §1.)

Section 34-36-14 Electrical Appeals And Advisory Board; Appointment, Qualifications, Terms And Compensation Of Members; Rules For Appeals.

Repealed by Act 2010-540, p. 932, §3, effective July 1, 2010.

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §14.)

Section 34-36-15 Injunctive Power.

Electrical contracting involves activities affecting the public interest and the health, safety, and welfare of the public. Such activities, when engaged in by a person who is not licensed, are a public nuisance and harmful to the public health, safety, and welfare. The board or the district attorney of the circuit where such nuisance exists may bring a petition to restrain and enjoin such unlicensed practice in the district court of the county where such unlicensed person resides. It shall not be necessary in order to obtain the equitable relief provided herein to allege or prove that there is no adequate remedy at law.

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §15; Act 2010-540, p. 932, §1.)

Section 34-36-16 Violations; Penalties.

(a) Except as provided in Section 13A-9-111.1, it shall be unlawful for any person to violate this chapter regulating electrical contracting, and any person convicted of such violation shall be punished for a Class A misdemeanor.

(b) It shall be unlawful, except as otherwise provided, on or after December 31, 2011, for a person not licensed as an electrical contractor to solicit, represent, seek to perform, or perform those tasks and functions that can only be performed by a licensed electrical contractor in accordance with this chapter.

(c) Subsection (b) shall not apply to any person who holds a license or permit issued by a county or municipal government to perform the tasks and functions that can only be performed by a licensed electrical contractor and who performs those tasks and functions within the boundaries of the county or municipality that issued the license or permit.

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §16; Act 2010-540, p. 932, §1; Act 2021-272, §2; Act 2024-375, §3.)

Section 34-36-17 Funding.

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

(Acts 1985, 2nd Ex. Sess., No. 85-921, p. 201, §17; Act 2010-540, p. 932, §1.)

Section 34-36-18 Construction Of Chapter.

This chapter shall not be construed as authorizing the employment of statewide electrical inspectors.
(Act 2010-540, p. 932, §2.)

Appendix II: Legislation Not Yet Codified

SB122 ENROLLED



ACT #2024 - 375

1 SB122

2 17EC3Z3-2

3 By Senator Kelley

4 RFD: Fiscal Responsibility and Economic Development

5 First Read: 20-Feb-24





SB122 Enrolled

1 Enrolled, An Act,

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Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Electrical Contractors until October 1, 2025, with certain modifications; to amend Sections 34-36-7 and 34-36-16, Code of Alabama 1975, to prohibit the issuance of new provisional electrical contractors licenses; and to permit the renewal of existing provisional electrical contractors licenses.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Alabama Board of Electrical Contractors until October 1, 2025, with the additional recommendation for statutory change as set out in Section 3.

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Section 2. The existence and functioning of the Alabama Board of Electrical Contractors, created and functioning pursuant to Chapter 36 of Title 34, Code of Alabama 1975, is continued until October 1, 2025, and those code sections are expressly preserved.

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Section 3. Sections 34-36-7 and 34-36-16 of the Code of Alabama 1975, are amended to read as follows:

18

19

"§34-36-7

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(a) All applicants for licensure as an electrical contractor or journeyman electrician must submit a completed application, application fee, and supportive documentation of qualifications before taking an examination approved by the

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SB122 Enrolled



29 board. The board shall examine applicants at least once every
30 three months according to the method deemed by ~~it~~ the board to
31 be the most appropriate to test the qualifications of
32 applicants. Any national standardized or written examination
33 proctored by an independent third party which the board shall
34 approve as substantially similar to the examination required
35 to be licensed under this chapter may be administered to all
36 applicants in lieu of or in conjunction with any other
37 examination which the board shall give to test the
38 qualifications of applicants. The board ~~shall also have the~~
39 ~~right to~~ may establish ~~such~~ norms of achievement ~~as shall be~~
40 required for a passing grade. The board ~~may~~, by rule, may
41 adopt the National Electrical Code for the purpose of
42 examinations.

43 (b) The board may recognize a license issued by any
44 other state that, in the opinion of the board, has standards
45 of practice or licensure equal to or higher than those
46 required by this state. The board shall actively seek to
47 reciprocate with those states meeting such standards. The
48 board shall actively seek to maintain those states currently
49 under agreement.

50 (c) No license shall be issued except in compliance
51 with this chapter and none shall be issued except to a person
52 or a person in a firm, partnership, association, or
53 corporation. A firm, partnership, association, or corporation,
54 as such, shall not be licensed. A licensee shall be a citizen
55 of the United States or, if not a citizen of the United
56 States, a person who is legally present in the United States

SB122 Enrolled



57 with appropriate documentation from the federal government.

58 ~~(d) An individual who has successfully passed, on or~~
59 ~~before January 1, 2010, with a minimum score of 70 percent, or~~
60 ~~an individual who has successfully passed after January 1,~~
61 ~~2010, with a minimum score of 75 percent, a nationally~~
62 ~~standardized proctored electrical examination administered in~~
63 ~~the State of Alabama, by Block and Associates, International~~
64 ~~Code Council, Experior, Promissor, Thomson Prometric, PROV, or~~
65 ~~any other exam approved by the board, shall be deemed to be in~~
66 ~~compliance with the testing requirement set forth by the board~~
67 ~~for licensure as an electrical contractor. Individuals meeting~~
68 ~~this qualification shall also be required to complete all~~
69 ~~other qualifications set forth by this chapter and the board~~
70 ~~prior to issuance of an electrical contractor license.~~
71 ~~Electrical contractor applicants affected by this provision~~
72 ~~shall have until July 1, 2011, to apply for licensure without~~
73 ~~any further examination requirements.~~

74 (d) Commencing on the effective date of the act adding
75 this subsection, no new provisional electrical contractor
76 licenses may be issued by the board. Any person who is holding
77 an active provisional electrical contractor license on that
78 date may continue to apply for the annual renewal of that
79 license by submitting to the board a completed application,
80 application fee, and supportive documentation establishing
81 that he or she holds a valid local license or permit. A local
82 license or permit issued by a county or municipality
83 authorizes the holder to perform electrical contractor tasks
84 and functions only within the boundaries of the issuing county



35 or municipality. The provisional electrical contractor license
36 does not expand the limited geographical boundaries imposed by
37 the local license or permit."

38 "§34-36-16

39 (a) Except as provided in Section 13A-9-111.1, it shall
40 be unlawful for any person to violate ~~any provision of~~ this
41 chapter regulating electrical contracting, and any person
42 convicted of such violation shall be punished ~~as prescribed~~
43 for a Class A misdemeanor.

94 (b) It shall be unlawful, except as otherwise provided,
95 on or after December 31, 2011, for a person not licensed as an
96 electrical contractor to solicit, represent, seek to perform,
97 or perform those tasks and functions that can only be
98 performed by a licensed electrical contractor in accordance
99 with this chapter.

100 (c) Subsection (b) shall not apply to ~~an electrical~~
101 ~~contractor who has taken an examination offered by the board~~
102 ~~within the preceding 12 months,~~ any person who holds a license
103 or permit issued by a county or municipal government to
104 perform the tasks and functions that can only be performed by
105 a licensed electrical contractor, and who performs those tasks
106 and functions within the boundaries of the county or
107 municipality that issued the license or permit."

108 Section 4. The Legislature concurs in the
109 recommendations of the Sunset Committee as provided in
110 Sections 1, 2, and 3.

111 Section 5. This act shall become effective immediately.



SB122 Enrolled

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB122

Senate 21-Mar-24

I hereby certify that the within Act originated in and passed the Senate.

Senate 09-May-24

I hereby certify that the within Act originated in and passed the Senate, as amended by Conference Committee Report.

Patrick Harris,
Secretary.

House of Representatives

Passed: 30-Apr-24, as amended.

House of Representatives

Passed: 09-May-24, as amended by Conference Committee Report.

By: Senator Kelley

APPROVED 5/15/2024

TIME 1:40 pm

GOVERNOR

Alabama Secretary Of State

Act Num....: 2024-375
Bill Num...: S-122

Recv'd 05/15/24 03:43pmKCW

ORIGINAL
 Senate Bill No
 Project No FNPJDCN-1

SPONSOR	CO-SPONSORS	DATE
<u>Kuelling</u>		19
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SENATE ACTION

DATE: 2-20 2024
 RD 1 RFD FRED

I hereby certify that the notice & proof is attached to the Bill, SB _____ as required in the General Acts of Alabama, 1975 Act No. 919.
 PATRICK HARRIS,
 Secretary

This Bill was referred to the Standing Committee of the Senate on FRED
 and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report
 w/amd(s) _____ w/sub _____ w/eng sub _____
 yeas 9 nays 0 abstain 0
 this 27 day of Feb, 2024
Heather Hughes, Chairperson

DATE: 2-28 2024
 RF FAN RD 2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 122.
 yeas 29 nays 0 abstain 0
 PATRICK HARRIS,
 Secretary

DATE: 2-21-24 RD 3 at length
 PASSED PASSED AS AMENDED
 yeas 29 nays 0 abstain 0
 And was ordered sent forthwith to the House.
 PATRICK HARRIS,
 Secretary

FURTHER SENATE ACTION (OVER)

HOUSE ACTION

DATE: 3-31 2024
 RD 1 RFD BA+C

REPORT OF STANDING COMMITTEE
 This bill having been referred by the House to its standing committee on
BA+C
 was acted upon by such Committee in session, and returned therefrom to the House with the recommendation that it be Passed.
 w/amd(s) _____ w/sub 1
 this 11 day of April, 2024
[Signature], Chairperson

DATE: 4-11 2024
 RF w/10-0 RD 2 CAL

DATE: _____ 20____
 RE-REFERRED RE-COMMITTED
 COMMITTEE _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 132.
 YEAS 100 NAYS 0
 JOHN TREADWELL,
 Clerk

FURTHER HOUSE ACTION (OVER)

Appendix III: Board Members



State of Alabama
The Alabama Board of Electrical Contractors

445 Dexter Ave, Suite 3060
Montgomery, AL 36104
www.aecb.alabama.gov

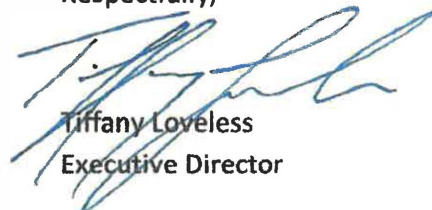
October 2, 2024

Mrs. Dixie Broadwater Thomas, CFE
Director of Operational Audits
Examiners of Public Accounts
401 Adams Avenue, Suite 280
Montgomery, Alabama 36104

Mrs. Thomas,

The attached list, provided by Smith Warren staff, is a current list of Board members appointed to the Alabama Board of Electrical Contractors. Please note we are working diligently to have existing members reappointed or new members appointed as necessary by law. Do not hesitate to reach out if you have any questions or need any further information.

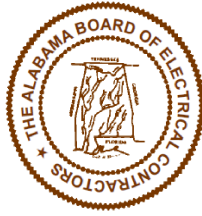
Respectfully,



Tiffany Loveless
Executive Director

BOARD MEMBER	EXPIRATION	CITY	CONGRESSIONAL DISTRICT
Mr. Shon Rogers <i>Board Chair</i>	June 30, 2023	Geraldine	Fourth
Mr. Jeremy Atchley	July 9, 2020	Dora	Sixth
Mr. Johnny Grimes	June 30, 2021	Pell City	Third (from 7 th redistricting)
Mr. Theodore O. Blunt, Jr.	June 30, 2022	Mobile	First
Mr. Robert Lamborne	June 30, 2022	Alexander City	Third
Mr. Ben Freeman	June 30, 2023	Huntsville	Fifth
Mr. W. Waid (Mac) McCreless <i>Board Vice Chair</i>	June 30, 2021	Town Creek	At-Large
Vacant	June 30, 2021		At-Large
Vacant	June 30, 2022		Second

Appendix IV: Board's Response



State of Alabama

The Alabama Board of Electrical Contractors

445 Dexter Ave, Suite 3060

Montgomery, AL 36104

www.aecb.alabama.gov

Significant Issues:

Significant Issue 2024-001: The Board failed to ensure compliance with the *Code of Alabama 1975, Section 36-27-8.2* which limits compensation for retired state employees. A retiree employed by the Board was paid a total of \$73,125.60 from two entities participating in the Employees' Retirement System and the Teachers' Retirement System for calendar year 2023, exceeding the maximum amount allowed by \$33,042.27.

This was an oversight on the part of the Board and has been corrected. To be transparent, the Board was not involved in the hiring process of the retiree as that was the responsibility of the management company. The Board was also unaware that the retiree had an LLC, or that the LLC was contracted with another entity which pays into the Employees' Retirement System. Once concerns were raised earlier in 2024, the Board started looking into the retiree in question and when the Board requested answers on hours worked and scope of work performed, the retiree immediately resigned.

This retiree no longer works for the Board and the Board has become much more involved in the hiring process of its employees.

Significant Issue 2024-002: Written receipts were not executed for eleven property items totaling \$99,301.79.

This issue has been corrected. All person responsible reports have been signed by each person that property items are assigned to.

Significant Issue 2024-003: During the Sunset Review period, the Board incorrectly coded \$13,640.00 in examination fees as licensure fees and \$2,500.00 in licensure fees as examination fees.

Persons responsible for the oversight on the coding of funds are no longer with the Board.

The Board is also moving to a new database that has rules in place to mitigate issues such as incorrect coding of funds. There will also be account reconciliations and other internal controls performed to ensure funds are appropriately keyed and deposited into the correct accounts.

Significant Issue 2024-004: The Board did not practice appropriate fiscal responsibility relating to the purchase of vehicles and the Board investigator's travel.

This was also an oversight by the Board. Again, in full transparency, the Board was unaware until summer of 2024 that the agency owned a Tahoe. When the Board inquired about why it was not brought before them for approval, the Board was told approval did not need to be done since it was purchased from another state agency. The Board also stated that to the best of their knowledge, the Board investigator never drove the vehicle and or used it to “run errands”. The Board approved the purchase of the vehicle in 2024 to help cut costs related to mileage reimbursements.

This issue has been corrected as the investigator has been assigned a vehicle and will not be reimbursed for mileage unless special circumstances arise and there is prior authorization by the Executive Director and Chairman of the Board.

Significant Issue 2024-005: The Board paid for services that should have been included in the contract with its administrative services provider.

This again was oversight by the Board and blind trust in the management company. While this is not an excuse, the Board has corrected this issue by hiring new management. New management is required to submit a detailed invoice each month detailing work completed on behalf of the Board, so the Board is more informed of the daily operations of the agency. The Board and new Executive Director are trying to increase the level of transparency between the Board and Board management.

Significant Issue 2024-006: The Board has administrative rules that conflict with Act Number 2024-375 that became effective May 15, 2024

The Board is actively working on reviewing and amending rules to ensure compliance with the changes made in the last legislative session. The corrected rules will be drafted and presented to the Board for review and approval at their November Board meeting. The Executive Director hopes to set up a working session with the Board in 2025 to review all rules and laws so changes and updates can be made as deemed necessary.

Significant Issue 2024-007: The Board failed to properly notify the Secretary of State of vacancies occurring on the Board.

The Executive Director is putting policies in place that should prevent this type of issue from happening in the future. During this transition time, staff is diligently working with the Governor’s office to fill vacancies and complete reappointments for eligible Board members.

Significant Issue 2024-008: The Board has not complied with certain provisions of Executive Orders issued by the Governor.

The Executive Director will draft written policies concerning state vehicles as well as a rule concerning public records to be reviewed and voted on by the Board at their November Board meeting. At this time, a staff member has been appointed as public-records coordinator, and the website has been updated so the employee receives all requests for public records.

Status of Prior Significant Issues:

Prior Significant Issue 2020-001: The Board is not accurately reporting its encumbrances and accounts payable at the end of the fiscal year to the Comptroller's Office. The Board encumbered \$101,087.28 at the end of fiscal year 2019 and expended \$27,890.38 in the next fiscal year. The Board encumbered \$73,846.38 at the end of fiscal year 2020 and expended \$19,386.74 in the next fiscal year. As a result of overstating encumbrances and accounts payable for fiscal year 2020 the Board did not transfer the correct amount of unspent funds in excess of \$100,000.00 to the State General Fund.

Current Status: Partially Resolved. While the Board is more accurately reporting its encumbrances and accounts payable at the end of the fiscal year to the Comptroller's office, it is not transferring the correct amount of unspent funds in excess of \$100,000.00 to the State General Fund. At the end of fiscal year 2023, the Board's Unreserved Cash Balance was only \$79,951.62, meaning no transfer to the State General Fund was required. However, the Board transferred \$58,704.98 to the State General Fund, exceeding the amount statutorily required.

The *Code of Alabama 1975*, Section 34-36-17 requires the Board of Electrical Contractors to transfer any funds unspent and unencumbered at the end of any state fiscal year in excess of \$100,000.00 into the State General Fund on or before January 15 of the succeeding year.

The Board thought this issue had been corrected but has learned that it was not. The Board believes this was an error made by a new accounting employee hired by the previous management company who did not have experience in dealing with governmental accounting and reversions. The Board has employed new management with governmental accounting experience and is confident that this issue will not arise again.

Status of Prior Significant Issues from Questionnaires

Prior Significant Issue 2023-001: Thirteen of the twenty-three licensees that responded to our survey indicated that the most significant issue currently facing their profession in Alabama is the shortage of skilled labor or qualified electrical contractors performing electrical work.

Current Status: Unresolved. Ten of the thirty licensees (33%) that responded to our survey indicated that the most significant issue currently facing their profession in Alabama is the shortage of skilled labor or qualified electrical contractors performing electrical work.

The Board is aware of the labor shortages that every industry in the state is experiencing. One step the Board is taking to help promote and support the industry is looking into opportunities to assist in funding programs and/or scholarships to encourage people to enter the field and help those already in the field to obtain licensure and become successful. The Board looks forward to working with the Legislature on law changes to facilitate this endeavor.