

1 HB5
2 171278-1
3 By Representatives Martin, Fridy, Hill (M), Ball, Johnson (K)
4 and Lee
5 RFD: State Government
6 First Read: 08-SEP-15

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8 SYNOPSIS: Act 2015-435 of the 2015 Regular Session
9 provides that real property owned or leased by the
10 state and state departments shall be managed by the
11 state Finance Department, with certain exceptions
12 for certain properties.

13 This bill would exempt certain prefabricated
14 storm shelters from management by the department.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 To amend Section 10 of Act 2015-435 of the 2015
21 Regular Session, which provides for properties exempted from
22 regulation and management by the state Finance Department; to
23 exempt certain prefabricated storm shelters.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 10 of Act 2015-435 of the 2015
26 Regular Session is amended to read as follows:

1 "(a) All real property owned or leased by state
2 departments, boards, bureaus, commissions, agencies, offices
3 and other instruments of the state are subject to the
4 requirements of this bill except:

5 "(1) All educational facilities including K-12,
6 postsecondary, and higher education facilities

7 "(2) Facilities of the Legislative Branch of
8 government

9 "(3) Facilities of the Judicial Branch of government

10 "(4) Facilities of the Retirement Systems of Alabama

11 "(5) Facilities of the Alabama Port Authority

12 "(6) Facilities of the State Military Department

13 "(7) Lands managed by the Lands Division of the
14 Department of Conservation and Natural Resources

15 "(8) Right-of-way owned by the Department of
16 Transportation

17 "(9) Gulf State Park

18 "(10) Facilities and real property owned or leased
19 by departments, boards, bureaus, commissions, agencies,
20 offices, and other instruments of the state that do not
21 receive any appropriation of state funds.

22 "(11) Any real property, building, improvement, or
23 facility managed or controlled by a state agency, if adherence
24 with any requirement of this act would violate Sections 9-2-26
25 or 9-11-19 of the Code of Alabama 1975, or any federal laws,
26 regulations, or guidance, including, but not limited to, Title
27 50, Code of Federal Regulations, Part 80.

1 "(12) Any unimproved real property owned, leased or
2 otherwise possessed or controlled by the state or any
3 department, board, bureau, commission, agency, office, or
4 other instrument of the state.

5 "(13) Real property owned or leased by the Alabama
6 Home Builders Licensure Board, the Alabama Housing Finance
7 Authority, the Alabama Plumbers and Gas Fitters Examining
8 Board, the Alabama Board of Heating, Air Conditioning, and
9 Refrigeration Contractors, the Alabama Real Estate Commission,
10 and the State Licensing Board for General Contractors.

11 "(14) Other real property owned or leased by state
12 departments, boards, bureaus, commissions, agencies, offices,
13 and other instruments of the state may be exempted from the
14 requirements of this bill if the exemption is agreed to by
15 both the Director of Finance and the head of the state
16 department, board, bureau, commission, agency, office, or
17 other instrument of the state seeking the exemption and the
18 exemption is found by them to be in the best interest of the
19 State of Alabama.

20 "(15) Real property owned or leased by self-funded
21 licensing and regulatory boards, commissions, and agencies.

22 "(16) All prefabricated storm shelters that serve as
23 temporary safe places during storms as stated in Federal
24 Emergency Management Agency Publication 361 or its successor.

25 "(b) Any entity that is provided an exception from
26 the requirements of this bill under subsection (a) may elect
27 to waive that exception and have its real property and

1 facilities become subject to the provisions of this bill by
2 providing written notice of that election to the Director of
3 Finance. Once an entity waives its exception, the entity may
4 not rescind that waiver with respect to any real property or
5 facilities that become subject to the provisions of this bill
6 as a result of the entity's waiver.

7 "(c) The exceptions provided in subsection (a) do
8 not alter or affect any of the provisions for compliance with
9 a minimum building standards code or energy conservation
10 building code as required by Sections 41-9-160 to 41-9-165 and
11 Sections 41-9-171 to 41-9-174.

12 "(d) The exceptions provided in subsection (a) (1)
13 do not alter or affect the compliance of educational
14 facilities with the contract forms and procedures of the
15 Division of Construction Management."

16 Section 2. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.