

HB159 INTRODUCED



1 HB159
2 APTRQS7-1
3 By Representative Lovvorn
4 RFD: Boards, Agencies and Commissions
5 First Read: 04-Feb-25



4 SYNOPSIS:

5 Under existing law, the Alabama Space Science
6 Exhibit Commission is responsible for the operation,
7 management, and control of the facilities and exhibits
8 of the U.S. Space and Rocket Center in Huntsville.

9 This bill would rename the Alabama Space Science
10 Exhibit Commission as the U.S. Space and Rocket Center
11 Commission and would provide for the transition.

12 This bill would provide for the Governor to be
13 an ex officio nonvoting member of the commission and
14 would provide further for terms.

15 This bill would authorize interested public and
16 private partners to be utilized for the provision of
17 facilities.

18 This bill would specify that the commission
19 operates outside of the State Treasury.

20 This bill would provide further for the duties
21 of the commission.

22 This bill would exempt all historical materials
23 in the custody of the commission from biannual
24 inventory by the Property Inventory Control Division of
25 the State Auditor's office.

26 This bill would also make nonsubstantive,
27 technical revisions to update the existing code
28 language to current style.



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A BILL

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TO BE ENTITLED

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AN ACT

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Relating to the Alabama Space Science Exhibit

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Commission; to amend Sections 41-9-430, 41-9-431, 41-9-432,

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41-9-436, and 41-9-439, Code of Alabama 1975; to rename the

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Alabama Space Science Exhibit Commission as the U.S. Space and

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Rocket Center Commission; to provide that the Governor serve

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as an ex officio nonvoting member of the commission; to

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provide further for terms; to authorize interested public and

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private partners to provide facilities for U.S. Space and

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Rocket Center exhibits; to specify that the commission

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operates outside of the State Treasury; to provide further for

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the duties of the commission; to amend Sections 36-16-8 and

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41-10-303, Code of Alabama 1975; to exempt historical

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artifacts held by the commission from the biannual personal

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property inventory audit conducted by the Property Inventory

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Control Division of the State Auditor's office; to authorize

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the Alabama Space Science Exhibit Finance Authority to rename

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the authority as the U.S. Space and Rocket Center Finance

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Authority; and to make nonsubstantive, technical revisions to

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update the existing code language to current style.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Sections 41-9-430, ** of the Code of Alabama

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1975, are amended to read as follows:



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"§41-9-430

(a) (1) There is ~~hereby~~ created and established a state agency to be known as the Alabama Space Science Exhibit Commission, which shall be a public body corporate with all the powers and privileges of a corporation, for the purpose of providing for and participating in the management and control of facilities to house and display such visual exhibits of space exploration and hardware used therefor as may be made available by the National Aeronautics and Space Administration. ~~Such~~ The facility shall constitute a permanent housing for the national aeronautics and space administration exhibit, which shall be open to the general public and shall be located at a place to be designated and made available in Madison County for a nominal cost through the cooperation of the Department of the Army and other public and private partners, where feasible, or at such other locations as the commission may deem appropriate.

(2)a. Commencing on October 1, 2025, the name of the Alabama Space Science Exhibit Commission shall be the U.S. Space and Rocket Center Commission, and all rights, duties, property, real or personal, and all other effects existing in the name of the Alabama Space Science Exhibit Commission, or in any other name by which the commission has been known, shall continue in the name of the U.S. Space and Rocket Center Commission. Any existing or future reference to the Alabama Space Science Exhibit Commission, or any other name by which the commission has been known, in any existing law, contract, or other instrument, shall constitute a reference to the U.S.



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Space and Rocket Center Commission.

b. A reasonable transition period for the name change shall be allowed to permit an orderly and cost-effective transition relating particularly to the use of equipment and supplies. All letterhead, business cards, forms, and any other materials in use by the commission containing the name Alabama Space Science Exhibit Commission shall continue to be used by the U.S. Space and Rocket Center Commission until the supplies are exhausted. Replacement supplies shall contain the name of the U.S. Space and Rocket Center Commission.

(3) The commission~~is further empowered to provide such~~
may do any of the following:

a. Provide facilities as ~~will be~~ mutually agreed upon between the commission and the Department of the Army, or other public and private partners, where feasible, for the housing and display of army weaponry and mementos of national defense.

~~b. The commission is further empowered to establish~~
Establish an energy information and exhibit center in order to provide information to the public on research and development in the field or energy as developed by the National Aeronautics and Space Administration, the Department of the Army, the Energy Research and Development Administration, other federal and state agencies, including universities and colleges, and other public and private sectors engaged in energy related activities.

~~c. The commission is further empowered to construct~~
Construct or otherwise acquire, whether by purchase,



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113 construction, exchange, gift, lease, or otherwise, lodging and
114 other similar facilities, including parking facilities and
115 facilities for meetings, ~~(provided said items are constructed~~
116 ~~within one mile of the Alabama Space and Rocket Center)~~, for
117 use by visitors to the permanent exhibit of the commission and
118 users of the commission's visitors' center. In connection
119 therewith, the commission may acquire any land or construct or
120 acquire buildings or other improvements and all real and
121 personal properties deemed necessary by the commission for
122 such purpose, whether or not now in existence. The commission
123 may lease to others any ~~such~~ facilities and may also lease
124 lands of the commission on which ~~such~~ the facilities may be
125 constructed and charge and collect rent therefor, and
126 terminate any ~~such~~ lease upon the failure of the lessee to
127 comply with any of the obligations thereof. The commission may
128 also sell, exchange, or convey and grant options to any lessee
129 to acquire any ~~such~~ facilities and may lease lands of the
130 commission on which ~~such~~ the facilities may be constructed
131 whenever the commission shall find any ~~such~~ action to be in
132 furtherance of the purpose for which the commission was
133 organized."

134 "§41-9-431

135 (a) The commission created by Section 41-9-430 shall
136 consist of 18 members, ~~to be~~ appointed by the Governor, who
137 shall be bona fide residents and qualified voters of this
138 state, at least three of whom shall be residents of Madison
139 County. The ~~remaining members of the commission shall be~~
140 ~~appointed from throughout the state in such manner as to~~



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~~provide general statewide representation on the commission,~~
~~but all~~ Governor shall serve as an ex officio nonvoting member
of the commission whose absence does not affect a quorum. The
Governor shall coordinate his or her appointments to assure
the commission membership is inclusive and reflects the
racial, gender, geographic, urban, rural, and economic
diversity of the state. All members shall be qualified ~~persons~~
individuals of unquestioned loyalty to this country who are
knowledgeable and interested in national defense and space
exploration and in the promotion of interest in ~~such~~ those
fields. Nine of the original members shall be appointed for
terms of four years, and nine of the original members shall be
appointed for terms of eight years. ~~Thereafter~~ Commencing on
October 1, 2025, as terms expire, all members shall serve for
terms of ~~eight~~ six years, with a limit of two full consecutive
terms. Terms served before or being served on October 1, 2025,
do not count toward the two full consecutive term limit. A
member who has served for two full consecutive terms after
October 1, 2025, may not be appointed to any additional terms
for at least six years following the consecutive service. All
members shall serve until their successors are appointed and
qualified, but any member may be removed by the Governor for
just cause. Vacancies shall be filled for the unexpired term
in the same manner as original appointments are made. Service
for an unexpired term does not constitute service for a full
term for purposes of term limits.

(b) ~~The first chairman~~ chair of the commission shall be
~~appointed by the Governor from among the original appointees.~~



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169 ~~Thereafter, each succeeding chairman shall be~~ selected by the
170 ~~other members~~ membership of the commission.

171 (c) Members of the commission shall serve without
172 compensation.

173 (d) Members and employees of the commission shall be
174 reimbursed for actual expenses incurred on behalf of the
175 commission in the development, operation, promotion, and
176 expansion of ~~its~~ commission programs and activities.

177 (e) The commission shall hold at least one annual
178 meeting at the site of the exhibit, and ~~one-half~~ one-half of
179 the members shall constitute a quorum for the transaction of
180 any business which may properly come before the commission at
181 any such meeting.

182 (f) The commission ~~shall be authorized to~~ may provide
183 for an executive committee of not fewer than five ~~of its~~
184 commission members to whom ~~it~~ the commission may delegate such
185 powers and authority as the commission may deem to be
186 advisable."

187 "§41-9-432

188 The commission ~~shall be authorized~~ may do all of the
189 following:

190 (1) ~~To investigate~~ Investigate and select an available
191 site for housing the exhibits, including the surrounding
192 grounds, in cooperation with the Department of the Army ~~and,~~
193 the community, and other interested public or private
194 partners, taking into consideration all pertinent factors
195 affecting the suitability of ~~such~~ the site ~~+~~.

196 (2) ~~To acquire~~ Acquire by rent or lease agreement or



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otherwise the necessary housing facilities and ~~to~~ establish, improve, and enlarge the available facility, including providing ~~it~~ the facility with necessary equipment, furnishings, landscaping, and related facilities, including parking areas and ramps, roadways, sewers, curbs, and gutters.

(3) ~~To enter~~ Enter into ~~such~~ contracts and cooperative agreements with the local, state, and federal governments, with agencies of ~~such~~ those governments, including the Department of the Army and the National Aeronautics and Space Administration, with other public or private individuals, corporations, associations, and other organizations as the commission may deem necessary or convenient to carry out the purpose of this article, such contracts and agreements to include leases to private industry.

(4) ~~To borrow~~ Borrow money from private sources or ~~such~~ other sources as may be acceptable to the commission under ~~such~~ terms and conditions as may be provided by law and, in order to provide security for the repayment of any ~~such~~ private loans, ~~to~~ pledge ~~such~~ future revenues from admissions and any other sources as may from time to time be necessary or desirable.

(5) ~~To issue~~ Issue and sell, subject to the approval of the Governor, interest-bearing general obligation bonds not in excess of ~~\$1,900,000.00~~ one million nine hundred thousand dollars (\$1,900,000) in principal amount as authorized by constitutional amendment. ~~Such~~ The bonds shall be general obligations of the State of Alabama with full faith and credit



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and taxing power of the state to be pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of ~~such~~ the bonds shall be used exclusively for the purpose of paying the expenses incurred in the sale and issuance thereof and for the construction, establishment, improvement, or enlargement and equipment of building facilities and related grounds, including the renewal or replacement of structural parts of ~~such~~ the facility, but not including the purchase of the site for ~~such~~ the facility~~;~~.

(6) ~~To issue~~ Issue and sell at any time and from time to time its revenue bonds for the purpose of providing funds to acquire, enlarge, improve, equip, and maintain a facility and for the payment of obligations incurred for ~~such~~ those purposes. The principal and interest on any ~~such~~ revenue bonds shall be payable solely out of the revenues derived from the project~~;~~.

(7) ~~To borrow~~ Borrow money and in evidence of ~~such~~ the borrowing ~~to~~ issue and sell at any time and from time to time its revenue bonds ~~in~~ addition to those authorized under subdivisions (5) and (6) ~~hereof~~ for the purpose of carrying out the commission's power to construct or acquire lodging facilities, as set out in Section 41-9-430, the principal of and interest on which shall be payable solely out of the revenues and receipts derived by the commission from the operation, leasing, or sale of the lodging facilities. The resolution under which ~~such~~ the revenue bonds are authorized to be issued and any mortgage and deed of trust or trust



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indenture securing same may contain any agreements and provisions respecting the operation, maintenance, and insurance of the property covered by ~~said~~ the mortgage and deed of trust or trust indenture, the use of the revenues and receipts subject to ~~such~~ the mortgage and deed of trust or trust indenture, the creation and maintenance of special funds from ~~such~~ the revenues and receipts, the rights, duties, and remedies of the parties to any ~~such~~ instrument and the parties for the benefit of whom ~~such~~ the instrument is made, and the rights and remedies available in the event of default as the commission shall deem advisable and which are not in conflict herewith. Each pledge, agreement, mortgage, and deed of trust or trust indenture made for the benefit or security of any of ~~such~~ the revenue bonds of the commission shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid. In the event of default in ~~such~~ payment or in any agreements of the commission made as a part of the contract under which ~~such~~ the revenue bonds were issued, whether contained in the proceedings authorizing those bonds or in any mortgage and deed of trust or trust indenture executed as security therefor, ~~said~~ the payment may be enforced by mandamus, the appointment of a receiver, or either of ~~said~~ these remedies, and foreclosure of ~~such~~ the mortgage and deed of trust or trust indenture ~~may~~, if provided for in said instrument, may be had.

(8) ~~To make such~~ Make contracts in the issuance of its bonds as may seem necessary or desirable to assure their



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marketability and ~~to~~ provide for their retirement by a pledge of all or any revenue which may come to the commission from the investment of the proceeds of the sale of ~~such~~ the bonds or from any other source whatsoever~~;~~.

(9) ~~To accept~~ Accept public or private gifts, grants, and donations~~;~~.

(10) ~~To acquire~~ Acquire property by purchase, lease, gift, or license, ~~such power not to include the purchase of a site for the facility;~~.

(11) ~~To allocate~~ Allocate and expend funds from all donations, income, and revenue from any source whatsoever coming into its treasury for the fulfillment and accomplishment of its duties and responsibilities in such manner as may be necessary and appropriate for the perfection of the purposes of this article~~;~~. The treasury of the commission is not within the State Treasury or under the purview of the state Comptroller.

(12) ~~To sell~~ Sell, convey, transfer, mortgage, lease, or donate any property, franchise, grant, easement, license, or lease or interest therein which ~~it~~ the commission may own and to transfer, assign, sell, mortgage, convey, or donate any right, title, or interest which it may have in any lease, contract, agreement, license, or property~~;~~.

(13) ~~To employ~~ Employ a chief executive officer or an executive director and ~~such~~ additional personnel as may be necessary to accomplish the purposes of this article. The chief executive officer or executive director ~~and such additional personnel as may be employed by the commission will~~



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shall serve at the pleasure of the commission. The commission shall fix the compensation of the chief executive officer or executive director, ~~and such additional personnel and such compensation~~ which shall be paid from the funds of the commission. The commission shall designate the duties and authority of the chief executive officer or executive director ~~and such additional personnel~~. The chief executive officer or executive director and ~~such~~ any additional personnel shall not be subject to the ~~provisions of the~~ state Merit System Act; provided, however, that they shall be eligible for participation, in whole or in part, in the state health insurance plan and benefits as provided in Sections 36-29-1 through 36-29-12, and they shall be eligible for participation, in whole or in part, in the State Employees' Retirement System under ~~the provisions of~~ Section 36-27-6 governing counties, cities, towns, and other quasi-public organizations of the state, at the discretion of the commission. The commission and the personnel of the commission are not subject to the state calendar and other benefits provided in Section 1-3-8, and may provide, by rule, for a calendar, holiday schedule, and other employee benefits.

(14) ~~To make such~~ Adopt rules ~~and regulations~~ as the commission may deem necessary and desirable to provide for the operation, management, and control of the facility in cooperation with the Department of the Army ~~and~~, with the National Aeronautics and Space Administration, and with other public or private partners, where feasible.

(15) ~~To expend~~ Expend funds of the commission in the



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development, operation, promotion, and expansion of the programs and activities of the commission including the franchising, nationally and internationally, of the United States Space Camp, a youth science program developed and owned by the commission, and create, maintain, and operate additional education programs in rocketry, space exploration, astronomy, aviation, aeronautics, robotics, computer programming, cybersecurity, and any other topic the commission deems appropriate to fulfilling the educational mission and mandate of the U.S. Space and Rocket Center.

(16) ~~To perform such~~ Perform other acts necessary or incidental to the accomplishment of the purposes of this article, whether or not specifically authorized in this section, and not otherwise prohibited by law."

"§41-9-436

In view of the unique character and complexity of the duties and responsibilities imposed on the commission by this article, it is hereby specifically provided that ~~the commission shall have,~~ in addition to the power and authority enumerated in Section 41-9-432, the ~~right, power and authority~~ to commission may:

(1) Develop and institute a program of promotion and advertising of the exhibits and facilities provided for by this article, ~~said.~~ The program of promotion and advertising ~~to~~ shall be conducted by the commission both within and without the state in such manner and to such extent as may be deemed economically advisable and appropriate by the commission;



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(2) Purchase and acquire items of tangible personal property ~~on a competitive bid basis in the manner prescribed by law for the purchase of such items by state trade schools, state junior colleges and state colleges and universities under the supervision and control of the State Board of Education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and municipalities under Sections 41-16-50, 41-16-51 and 41-16-53 through 41-16-63~~ pursuant to U.S. Space and Rocket Center policy; and

(3) Operate itself or, in its discretion enter into lease agreement with a person or agency of its choosing to operate, all concessions located in or on the grounds and facilities operated by the commission, any such lease agreement to be so designated as to provide maximum services and convenience to the patrons of the exhibit center and to provide reasonable revenue return to the commission."

"§41-9-439

The provisions of this article shall be construed liberally, it being the purpose to provide in this state appropriate housing facilities for displaying to the general public exhibits of the Department of the Army and of the National Aeronautics and Space Administration, in cooperation with public and private partners, if feasible, and for providing for the management and control of that portion of the display furnished and supplied by the National Aeronautics



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393 and Space Administration by such means as may be feasible and
394 agreed upon."

395 Section 2. Sections 36-16-8 and 41-10-303 of the Code
396 of Alabama 1975, are amended to read as follows:

397 "§36-16-8

398 The Property Inventory Control Division shall establish
399 a control in the following manner of all nonconsumable state
400 personal property not exempt under Section 36-16-11.

401 (1) The head of each department or agency of the state
402 shall designate one of its employees as property manager for
403 the department or agency. Except for books, the property
404 manager shall make a full and complete inventory of all
405 nonconsumable personal property and certain other items of
406 personal property deemed important or sensitive enough by the
407 Property Inventory Control Division to be included in the
408 inventory of state property of the value of five hundred
409 dollars (\$500) or more owned by the state and used or acquired
410 by the department or agency. The inventory shall show the
411 complete description, manufacturer's serial number, cost
412 price, date of purchase, location, and custodial agency,
413 responsible officer, or employee, and the state property
414 control marking. A copy of the inventory shall be submitted to
415 the Property Inventory Control Division on October 1 and April
416 1 of each year. Each inventory shall show all property
417 acquired since the date of the last inventory. When any
418 inventory fails to show any property shown on the previous
419 inventory, then a complete explanation accounting for the
420 property or the disposition thereof shall be attached to the



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inventory and submitted to the Property Inventory Control Division. All property managers shall keep at all times in their files a copy of all inventories submitted to the Property Inventory Control Division, and the copies shall be subject to examination by any and all state auditors or employees of the Department of Examiners of Public Accounts.

(2) 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.

(3) No property, except property being transferred to the Department of Archives and History under Section 41-6-10, shall be disposed of, transferred, assigned, or entrusted to any other department, agency, or employee thereof without the written permission of the Director of the Alabama Department of Economic and Community Affairs or the Governor of the State of Alabama or the designee of either of them.

(4) Biannually, the Property Inventory Control Division shall conduct an inventory of all ~~such~~ state personal property excluding historical materials in the custody of the Department of Archives and History and historical materials in the custody of the U.S. Space and Rocket Center Commission,



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holding every officer or employee strictly accountable for all personal property assigned to his or her custody.

(5) No later than November 30 of each new fiscal year, the State Auditor shall report in writing to the Governor all losses and missing items of state property valued at more than five hundred dollars (\$500) as revealed by the most recent inventory of state personal property.

(6) Whenever any property manager ceases for any reason to be the property manager of his or her department or agency, the director of the department or agency shall immediately notify in writing the Property Inventory Control Division. The division shall immediately check the inventories of all property in the department or agency, and the successor to the property manager shall execute a written receipt for all property received by him or her or coming into his or her custody or control. The last payment of salary due the property manager shall be withheld until a complete check of the inventory of the property has been made and approved. In the event of any shortages, the property manager shall be held strictly accountable. Notwithstanding the foregoing, the property manager shall not be held accountable for property entrusted to any other employee or officer of the department or agency and for which he or she holds the written receipt of the employee or officer."

"§41-10-303

(a) To become a corporation, the three individuals selected pursuant to Section 41-10-302 ~~hereof~~ shall present to the Secretary of State of Alabama an application signed by



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477 them which shall set forth:

478 (1) The name and residence of each of the applicants,
479 together with a certified copy of all documents evidencing
480 each applicant's selection by the commission and approval by
481 the Governor;

482 (2) The name of the proposed corporation, which shall
483 initially be the "Alabama Space Science Exhibit Finance
484 Authority" and, upon proper application filed by the
485 commission with the Secretary of State, shall be renamed the
486 "U.S. Space and Rocket Center Finance Authority";

487 (3) The location of the principal office of the
488 proposed corporation; and

489 (4) Any other matter relating to the incorporation of
490 the proposed corporation which the applicants may choose to
491 insert and which is not inconsistent with this article.

492 (b) The application shall be subscribed and sworn to by
493 each of the applicants before an officer authorized by the
494 laws of this state to take acknowledgements to deeds. The
495 Secretary of State shall examine the application, and if he or
496 she finds that ~~it~~ the application substantially complies with
497 the requirements of this section, he or she shall receive and
498 file ~~it~~ the application and record it in an appropriate book
499 of records in his or her office."

500 Section 3. The Code Commissioner, at times determined
501 appropriate, shall change all references to the Alabama Space
502 Science Exhibit Commission in the Code of Alabama 1975 to the
503 U.S. Space and Rocket Center Commission as provided in Section
504 41-9-430, Code of Alabama 1975.



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505 Section 4. This act shall become effective on October
506 1, 2025.