



**House State Government Reported Substitute for  
SB88**

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Division of Construction Management within the Department of Finance; to amend Section 16-1-2.4, Code of Alabama 1975; to exempt covered K-12 schools and institutions of higher education from division inspection and recommendation requirements for certain capital improvement projects valued at less than \$300,000; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-1-4, Code of Alabama 1975, is amended to read as follows:

"§16-1-2.4

(a) Notwithstanding any provision of law to the contrary, the governing board of each educational institution or state educational institution, as defined in Section 41-4-400(d), may on behalf of the State of Alabama do any or all of the following in relation to that institution:

(1) Acquire lands by purchase, condemnation, or otherwise.

(2) Plan for the construction, repair, remodeling,



**House State Government Reported Substitute for  
SB88**

29 enlargement, renovation, furnishing, refurnishing,  
30 improvement, or relocation of buildings, structures, and  
31 facilities.

32 (3) Set policies, procedures, and guidelines for the  
33 design, construction, renovation, equipment, furnishing,  
34 maintenance, and improvement of all property now owned or  
35 hereafter acquired.

36 (4) Construct, repair, equip, remodel, enlarge,  
37 renovate, furnish, refurnish, improve, and locate buildings,  
38 structures, and facilities.

39 (5) Enter into contracts or consult with architects,  
40 engineers, contractors, suppliers, and others as needed to  
41 perform any of the functions provided for in this subsection.

42 (6) Receive any monies, land, or equipment donated,  
43 appropriated, or otherwise acquired by it for the purposes  
44 provided for in this subsection.

45 (7) Charge and provide for collection of user fees for  
46 its services. The fees established shall take into  
47 consideration the costs of the governing board incurred under  
48 this section.

49 (8) Make and adopt all necessary rules, ~~regulations,~~  
50 and plans for its own guidance and for the proper conduct of  
51 the duties imposed upon it.

52 (9) Review and approve or disapprove all proposed  
53 construction, renovation, or improvement projects for  
54 constructability, durability, and maintainability and to  
55 ensure the efficient use and availability of funds.

56 (10) Review and administer all design and construction



## House State Government Reported Substitute for SB88

57 contracts for facilities as provided for in this subsection.

58 (11) Review all emergency project declarations and to  
59 aid in the timely execution of emergency projects.

60 (12) Hire architects, inspectors, and any other  
61 personnel necessary for the purposes provided for in this  
62 subsection or the duties assigned under this section.

63 (b) (1) a. At any K-12 school or at any four-year public  
64 institution of higher education, any capital improvement  
65 project or any alterations, additions, repair, or maintenance  
66 of heating, ventilation, and air conditioning systems or any  
67 alterations, additions, repair, or maintenance of a roof shall  
68 not be subject to approval by the Division of Construction  
69 Management within the Department of Finance<sup>+</sup>, provided<sup>r</sup> that  
70 the project does not affect classrooms, libraries, gymnasiums,  
71 cafeterias, auditoriums, locker rooms, flexible learning  
72 spaces, administrative offices, or other areas where students,  
73 teachers, administrators, or staff regularly congregate for  
74 educational purposes; and that the estimated cost of the  
75 project after design completion is certified by a licensed  
76 architect or licensed engineer to be no more than seven  
77 hundred fifty thousand dollars (\$750,000) three hundred  
78 thousand dollars (\$300,000).

79 ~~b.1. For any project exempt from approval pursuant to~~  
80 ~~paragraph a., the governing body of the K-12 school or~~  
81 ~~four-year public institution of higher education shall submit~~  
82 ~~documents to the Division of Construction Management for the~~  
83 ~~sole purpose of review and inspection for compliance with the~~  
84 ~~Americans with Disabilities Act, 42 U.S.C. § 12112 et seq.,~~



## House State Government Reported Substitute for SB88

85 ~~and rules and regulations adopted thereunder, for fire safety~~  
86 ~~and life safety compliance, and for issuance of written~~  
87 ~~recommendations to the school or institution at no cost to the~~  
88 ~~school or institution or the governing body for the school or~~  
89 ~~institution.~~

90 ~~2. The Division of Construction Management shall issue~~  
91 ~~its written recommendations no later than 30 days following~~  
92 ~~receipt of documentation pursuant to subparagraph 1. If the~~  
93 ~~division is unable to issue recommendations within the 30-day~~  
94 ~~period following receipt of documentation, the division, prior~~  
95 ~~to the expiration of the 30-day period, shall issue to the~~  
96 ~~party that submitted the documentation a written notice~~  
97 ~~explaining the reasons for the delay, and shall issue the~~  
98 ~~recommendations no later than 45 days following the original~~  
99 ~~receipt of documentation pursuant to subparagraph 1.~~

100 ~~3. Recommendations issued by the division pursuant to~~  
101 ~~this paragraph shall be maintained by the division as public~~  
102 ~~writings for purposes of Article 3 of Chapter 12 of Title 36.~~

103 ~~e.b.~~ The Division of Construction Management, in  
104 consultation with the State Department of Education, shall  
105 develop and distribute forms relating to projects subject to  
106 this subdivision for use by local boards of education. The  
107 division shall ensure that the use of these forms alone does  
108 not require use of Division of Construction Management  
109 services for projects subject to this subdivision, ~~except for~~  
110 ~~the issuance of recommendations pursuant to paragraph b.~~

111 ~~d. For purposes of this subdivision, "fire safety and~~  
112 ~~life safety compliance" means compliance with those provisions~~



**House State Government Reported Substitute for  
SB88**

113 ~~of the uniform minimum building standards code adopted by the~~  
114 ~~Division of Construction Management pursuant to law that~~  
115 ~~relate to risk of electrical or fire hazards, risk of injury,~~  
116 ~~or illness.~~

117 c. Any project exempt from approval pursuant to  
118 paragraph a. shall not be subject to approval or inspection by  
119 the municipality in which it is located.

120 (2) Any repair or maintenance project with an estimated  
121 cost certified by a licensed architect or licensed engineer to  
122 be no more than seven hundred fifty thousand dollars  
123 (\$750,000); any repair or maintenance of heating, ventilation,  
124 and air conditioning systems; and any roofing repair or  
125 maintenance shall not be subject to approval by the governing  
126 board of an educational institution or state educational  
127 institution.

128 (c) All powers, authority, and jurisdiction of the  
129 Division of Construction Management or the former Building  
130 Commission relating to any educational institution or state  
131 educational institution, including, but not limited to, those  
132 authorities currently established in Sections 16-1-2.2,  
133 16-16-10(o)(2) and (p), 39-2-2(f)(1), 41-9-243, and  
134 41-16-72(3)a. through f., which were previously transferred to  
135 the Division of Construction Management within the Department  
136 of Finance, are transferred to the governing board of that  
137 institution; ~~provided, that the~~The Division of Construction  
138 Management shall retain its authority to adopt uniform minimum  
139 building standards code for the construction and renovation of  
140 facilities at any educational institution or state educational



**House State Government Reported Substitute for  
SB88**

141 institution."

142 Section 2. This act shall become effective on October

143 1, 2026.