

## SB88 INTRODUCED



1 SB88  
2 11R6433-1  
3 By Senators Stutts, Sessions, Chesteen  
4 RFD: Finance and Taxation Education  
5 First Read: 13-Jan-26



## 4 SYNOPSIS:

5 Under existing law, certain capital improvement  
6 projects valued at less than \$750,000 and conducted at  
7 covered K-12 schools and institutions of higher  
8 education are exempt from approval by the Division of  
9 Construction Management within the Department of  
10 Finance; however, the division continues to inspect and  
11 issue recommendations regarding exempted improvements  
12 involving compliance with the Americans with  
13 Disabilities Act and compliance with fire and life  
14 safety issues.

15 This bill would exempt covered K-12 and  
16 institutions of higher education from division  
17 inspection and recommendation requirements for all  
18 capital improvement projects valued at less than  
19 \$750,000.

20 This bill would also make nonsubstantive,  
21 technical revisions to update the existing code  
22 language to current style.

23  
24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT  
28



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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 and institutions of higher education from division inspection and recommendation requirements for capital improvement projects valued at less than \$750,000; 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, enlargement, renovation, furnishing, refurnishing, improvement, or relocation of buildings, structures, and facilities.

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

(4) Construct, repair, equip, remodel, enlarge,



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renovate, furnish, refurnish, improve, and locate buildings, structures, and facilities.

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

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

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

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

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

(10) Review and administer all design and construction contracts for facilities as provided for in this subsection.

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

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

(b) (1) a. At any K-12 school or at any four-year public institution of higher education, any capital improvement



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project or any alterations, additions, repair, or maintenance of heating, ventilation, and air conditioning systems or any alterations, additions, repair, or maintenance of a roof shall not be subject to approval by the Division of Construction Management within the Department of Finance~~✓~~, provided~~✓~~ that the estimated cost of the project after design completion is certified by a licensed architect or licensed engineer to be no more than seven hundred fifty thousand dollars (\$750,000).

~~b.1. For any project exempt from approval pursuant to paragraph a., the governing body of the K-12 school or four-year public institution of higher education shall submit documents to the Division of Construction Management for the sole purpose of review and inspection for compliance with the Americans with Disabilities Act, 42 U.S.C. § 12112 et seq., and rules and regulations adopted thereunder, for fire safety and life safety compliance, and for issuance of written recommendations to the school or institution at no cost to the school or institution or the governing body for the school or institution.~~

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



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~~receipt of documentation pursuant to subparagraph 1.~~

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

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

~~d. For purposes of this subdivision, "fire safety and life safety compliance" means compliance with those provisions of the uniform minimum building standards code adopted by the Division of Construction Management pursuant to law that relate to risk of electrical or fire hazards, risk of injury, or illness.~~

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

(c) All powers, authority, and jurisdiction of the Division of Construction Management or the former Building



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Commission relating to any educational institution or state educational institution, including, but not limited to, those authorities currently established in Sections 16-1-2.2, 16-16-10(o)(2) and (p), 39-2-2(f)(1), 41-9-243, and 41-16-72(3)a. through f., which were previously transferred to the Division of Construction Management within the Department of Finance, are transferred to the governing board of that institution; ~~provided, that the~~ The Division of Construction Management shall retain its authority to adopt uniform minimum building standards code for the construction and renovation of facilities at any educational institution or state educational institution."

Section 2. This act shall become effective on October 1, 2026.