

**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



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## 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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29 Relating to the Division of Construction Management  
30 within the Department of Finance; to amend Section 16-1-2.4,  
31 Code of Alabama 1975; to exempt covered K-12 and institutions  
32 of higher education from division inspection and  
33 recommendation requirements for capital improvement projects  
34 valued at less than \$750,000; and to make nonsubstantive,  
35 technical revisions to update the existing code language to  
36 current style.

37 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

40 "§16-1-2.4

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

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



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

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

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

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

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

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

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

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

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

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



85 project or any alterations, additions, repair, or maintenance  
86 of heating, ventilation, and air conditioning systems or any  
87 alterations, additions, repair, or maintenance of a roof shall  
88 not be subject to approval by the Division of Construction  
89 Management within the Department of Finance~~, provided that~~ that  
90 the estimated cost of the project after design completion is  
91 certified by a licensed architect or licensed engineer to be  
92 no more than seven hundred fifty thousand dollars (\$750,000).  
93

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

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



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

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

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

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

131 (2) Any repair or maintenance project with an estimated  
132 cost certified by a licensed architect or licensed engineer to  
133 be no more than seven hundred fifty thousand dollars  
134 (\$750,000); any repair or maintenance of heating, ventilation,  
135 and air conditioning systems; and any roofing repair or  
136 maintenance shall not be subject to approval by the governing  
137 board of an educational institution or state educational  
138 institution.

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

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141 Commission relating to any educational institution or state  
142 educational institution, including, but not limited to, those  
143 authorities currently established in Sections 16-1-2.2,  
144 16-16-10(o)(2) and (p), 39-2-2(f)(1), 41-9-243, and  
145 41-16-72(3)a. through f., which were previously transferred to  
146 the Division of Construction Management within the Department  
147 of Finance, are transferred to the governing board of that  
148 institution.~~and~~ provided, that the~~The~~ Division of Construction  
149 Management shall retain its authority to adopt uniform minimum  
150 building standards code for the construction and renovation of  
151 facilities at any educational institution or state educational  
152 institution."

153 Section 2. This act shall become effective on October  
154 1, 2026.