

1 HB459
2 117301-1
3 By Representative Hilliard
4 RFD: Education Appropriations
5 First Read: 28-JAN-10

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8 SYNOPSIS: Existing law does not require public school
9 buildings to have a specific tornado safe space.

10 This bill would require any new construction
11 of a public K-12 school to include a Federal
12 Emergency Management Agency approved safe room or
13 hallway.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.
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9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 Relating to public K-12 education; to require any
14 new school construction to include a Federal Emergency
15 Management Agency approved safe room or hallway; and in
16 connection therewith would have as its purpose or effect the
17 requirement of a new or increased expenditure of local funds
18 within the meaning of Amendment 621 of the Constitution of
19 Alabama of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of Alabama of 1901,
21 as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) Commencing on the effective date of
24 this act, any new contract awarded for the construction of a
25 new public school shall include a Federal Emergency Management
26 Agency (FEMA) approved safe room or hallway. The safe room or
27 hallway shall be designed and built to withstand winds of up

1 to 250 miles per hour and projectiles flying at up to 100
2 miles per hour.

3 (b) Any local board of education planning to
4 construct a new school or add a safe room or hallway to
5 existing school property, before construction begins, shall
6 submit an application to FEMA for a safe-rooms grant.

7 (c) The State Department of Education shall
8 promulgate and enforce any rules necessary for the
9 implementation of this act.

10 Section 2. Although this bill would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds, the bill is excluded from further
13 requirements and application under Amendment 621, now
14 appearing as Section 111.05 of the Official Recompilation of
15 the Constitution of Alabama of 1901, as amended, because the
16 bill requires expenditures only by a school board.

17 Section 3. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.