

1 HB31
2 171000-1
3 By Representatives Martin, Johnson (K), Williams (JD),
4 Polizos, Faust and South
5 RFD: State Government
6 First Read: 03-AUG-15

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8 SYNOPSIS: This bill would require the Alabama
9 Manufactured Housing Commission to inspect storm
10 shelters located in public buildings or on public
11 lands to ensure that the shelters are in compliance
12 with the applicable standards as provided in the
13 current Federal Emergency Management Agency (FEMA)
14 publication and International Code Council
15 (ICC-500) Codes.

16 This bill would provide that the power to
17 inspect the shelters may not be construed as
18 allowing the commission to promulgate rules or
19 regulations relating to the shelters.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT

24
25 Relating to the Alabama Manufactured Housing
26 Commission; to amend Section 24-6-4, Code of Alabama 1975, to
27 further provide that the Alabama Manufactured Housing

1 Commission shall inspect storm shelters located in public
2 buildings or on public lands to ensure that the shelters are
3 in compliance with the applicable standards as provided in the
4 current Federal Emergency Management Agency (FEMA) publication
5 and International Code Council (ICC-500) Codes; and to provide
6 that the power to inspect the shelters may not be construed as
7 allowing the commission to promulgate rules or regulations
8 relating to the shelters.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 24-6-4 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§24-6-4.

13 "(a) (1) The commission, in an advisory capacity,
14 shall be the principal staff agency of the executive branch to
15 provide, with the cooperation of other departments of state
16 governmental units, a comprehensive housing program and
17 procedures which include the relevance for housing programs
18 administered by the state and the governmental structures
19 required to put such programs into effect. The commission,
20 through its administrator, shall perform all the duties and
21 exercise all the powers and authority relative to modular
22 housing, manufactured buildings, manufactured housing, and
23 pre-HUD 1976 mobile homes, heretofore vested in the Fire
24 Marshal's Division within the State Department of Insurance,
25 and other implied powers. All the functions, powers,
26 authority, and duties provided by law, specifically, but not
27 limited to: Sections 24-5-1 through 24-5-14; 24-5-30 through

1 24-5-34; and 24-4A-1 through 24-4A-7, all books, records, and
2 supplies, pursuant to and under the authority of the aforesaid
3 code sections through legislative budgetary authority and
4 duties provided by law, specifically, but not limited to:
5 Sections 24-5-1 through 24-5-14; 24-5-30 through 24-5-34; and
6 24-4A-1 through 24-4A-7, and all books, records, supplies,
7 equipment, documents, files, papers, materials, and personnel
8 of the Fire Marshal's Division subject to and authorized by,
9 or under these various code sections and related thereto are
10 also hereby transferred to the commission.

11 "(2) In addition to the powers enumerated above, the
12 commission shall inspect storm shelters located in public
13 buildings or on public lands to ensure that the shelters are
14 in compliance with the applicable standards as provided in the
15 current Federal Emergency Management Agency (FEMA) publication
16 and International Code Council (ICC-500) Codes. This
17 subdivision may not be construed as allowing the commission to
18 promulgate rules or regulations relating to the shelters.

19 "(b) There is established a revolving fund in the
20 State Treasury to be known as the "Alabama Manufactured
21 Housing Commission Fund" (Fund). Any proceeds remaining at the
22 end of each fiscal year shall not revert to the State General
23 Fund, but shall carry forward to the succeeding fiscal years
24 in the fund for the use of the commission. All proceeds from
25 federal grants, loans, funds, fees, and state or federal
26 appropriations received or collected by the commission
27 heretofore or hereafter are so appropriated and shall be

1 deposited in the fund, and used only for and to the enurement
2 of this commission.

3 "(c) The commission is authorized, through its
4 administrator, to promulgate such rules and regulations not
5 inconsistent with this chapter as are implied or stated as are
6 necessary to carry out the provisions of this chapter,
7 pertaining specifically to the manufacture, transportation, or
8 site location of said manufactured and modular housing and
9 buildings and building programs in the State of Alabama. The
10 commission is further authorized, through its administrator,
11 to promulgate such rules and regulations as it may deem
12 necessary to meet the requirements of the Department of
13 Housing and Urban Development, the National Fire Protection
14 Association, or any other recognized standards.

15 "(d) The advisory board may recommend a schedule of
16 fees to the administrator, who, through commission rules and
17 regulations, will establish the fees to pay the cost incurred
18 by the said commission for the work related to the
19 administration and enforcement of this chapter. All fees,
20 funds, and moneys received or collected by the commission are
21 hereby appropriated to the commission and shall be deposited
22 in the fund to be used only for the enrichment of the
23 commission.

24 "(e) The commission, through its administrator, may
25 enter into any contracts with public or private agencies and
26 said contracts shall be submitted to the Contract Review
27 Permanent Legislative Oversight Committee for approval.

1 "(f) The administrator is authorized to set
2 qualifications for employees of the commission and
3 compensation through the state Merit System for the necessary
4 employees to carry out the provisions of this chapter. The
5 administrator and all other current Merit System employees
6 shall retain their Merit System status under this chapter. The
7 Governor is authorized to set the qualifications and
8 compensation of future administrators. The members of the
9 advisory board shall serve only in an advisory capacity and
10 may make recommendations to the Governor for the hiring or
11 firing of the administrator. The Governor has the sole
12 authority to hire or fire the administrator.

13 "(g) The administrator shall serve as the department
14 head for the purposes of all commission business, including,
15 but not limited to, the hiring and firing of commission
16 employees under the rules of the State Personnel Board for
17 state Merit System employees, as required to perform the
18 duties and responsibilities necessary in order to accomplish
19 the state and federal regulatory functions of the agency
20 including implementation of the state plan on file with the
21 Department of Housing and Urban Development.

22 "(h) The commission, through its administrator, is
23 authorized to: Make comprehensive and detailed plans for
24 combating the shortage of safe and sanitary housing in
25 Alabama; apply for and accept advances, loans, grants,
26 contributions, and any other forms of assistance from the
27 federal government, state or other public body, or from any

1 other source, public or private; enter into and carry out
2 contracts or agreements in connection with programs funded by
3 the aforesaid sources to serve a public purpose and benefit
4 the citizens of the State of Alabama; and prepare proper
5 legislation to administer the programs.

6 "(i) This chapter shall not prevent an agency or
7 department of state government from administering the program
8 for which they are responsible.

9 "(j) The operations of the commission shall be
10 subject to termination October 1, 2001, and every fourth year
11 thereafter unless continued in accordance with the Alabama
12 Sunset Law."

13 Section 2. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.