

1 HB264
2 116859-2
3 By Representatives Wren, Ward, Hill, Morrow, McDaniel, Wood,
4 Hinshaw, Grimes, Ford, Robinson (O), Ball, Vance, Fields,
5 Black, Knight, Thigpen, Bridges, Love, Shiver, Oden, Dukes,
6 Taylor, McClammy, McCampbell, England, Gaston, Sanderford,
7 Ison, McClurkin, McMillan, Beck, McClendon, Hubbard, Laird,
8 McCutcheon, Scott, Harper, Allen, Mask, Grantland, Todd,
9 Thomas (E), Hurst, Canfield, Treadaway, Martin, Guin, Williams
10 (P), Letson, Drake, Lewis, Faust, Beasley, Johnson, White,
11 Boyd, Spicer, Baker (A), Beech, McAdory, Buskey, Curtis,
12 Galliher, Davis, Moore (P), Fincher, Bentley, Gordon, Irons,
13 DeMarco, Hilliard, Coleman, Hammon, Baker (L) and Williams (J)
14 RFD: Commerce
15 First Read: 14-JAN-10

1 "§41-23-80.

2 "The Legislature finds that the development,
3 management, efficient consumption, and conservation of
4 residential energy resources are of prime importance
5 throughout this state and this nation. It is also important to
6 ensure the protection of the economic and environmental values
7 of Alabama's citizens. It is the intent of the Legislature to
8 do each of the following pursuant to this article:

9 "(1) Encourage the conservation and efficient use of
10 residential energy resources within this state's counties and
11 municipalities.

12 "(2) Provide a governmental environment that will
13 ~~encourage and promote an initiative for the acceptance,~~
14 ~~adoption, and implementation of the Model Energy Code~~ Alabama
15 Energy and Residential Codes by the units of local government.

16 "(3) Advise and assist the units of local government
17 in adopting the ~~Model Energy Code~~ Alabama Energy and
18 Residential Codes and implementing those code provisions
19 within their boundaries.

20 "(4) Promote the identification of energy management
21 technologies available for residential uses, and to
22 disseminate information to the units of local government about
23 such technologies and their uses.

24 "(5) Promote the acceptance and adoption of those
25 energy management technologies for use in all energy-consuming
26 residential facilities throughout this state.

1 "(6) Provide a process for the adoption of modern
2 building and energy codes by the State of Alabama and for
3 their implementation by units of local government.

4 "(7) Provide a process by which the State of Alabama
5 shall adopt required codes in compliance with federal law.

6 "§41-23-81.

7 "The following terms shall have the meanings
8 respectively prescribed for them, except when the context
9 otherwise requires:

10 "(1) BOARD. The Alabama ~~Residential~~ Energy and
11 Residential Code Codes Board created by this article.

12 "(2) DEPARTMENT. The Alabama Department of Economic
13 and Community Affairs.

14 "(3) DIVISION. The Science, Technology, and Energy
15 Division of the Alabama Department of Economic and Community
16 Affairs.

17 "~~(4) MODEL ENERGY CODE. The 1993 Edition of the~~
18 ~~Model Energy Code as prepared and maintained by the Council of~~
19 ~~American Building Officials, or any subsequent editions,~~
20 ~~changes, or recom compilations thereof, or any other energy code,~~
21 ~~which the board has officially adopted.~~

22 "(4) ALABAMA ENERGY AND RESIDENTIAL CODES. The codes
23 adopted by the board, as amended by the board, and based on
24 the 2006 Edition of the International Energy Conservation
25 Code, ANSI/ASHRAE/IESNA Standard 90.1-2007 for commercial
26 buildings, and the 2006 International Residential Code

1 published by the International Code Council, or any subsequent
2 editions, changes, or recom compilations thereof, or any other
3 code which the board officially adopts.

4 "(5) UNIT OF LOCAL GOVERNMENT. Any county or
5 municipality within the State of Alabama.

6 "§41-23-82.

7 "(a) The Alabama ~~Residential~~ Energy and Residential
8 ~~Code Codes~~ Board is established.

9 "(b) The board shall consist of ~~13~~ 15 members
10 appointed by the Governor and two additional members, numbered
11 (16) and (17), appointed by the Chair of the Permanent Joint
12 Legislative Committee on Energy Policy. The ~~13~~ members
13 appointed by the Governor shall be ~~citizens~~ legal residents of
14 the state, and shall be selected on the basis of their
15 representation of the following organizations, industries,
16 entities, and professions:

17 "(1) One member shall represent the Home Builders
18 Association.

19 "(2) One member shall represent the Board of General
20 Contractors.

21 "(3) One member shall represent the Heating and Air
22 Conditioning Board.

23 "(4) One member shall represent the private,
24 investor-owned, electric utility industry.

25 "(5) One member shall represent the rural electric
26 cooperative industry.

1 "(6) One member shall represent the natural gas
2 industry.

3 "(7) One member shall be a licensed professional
4 engineer.

5 "(8) One member shall represent municipalities.

6 "(9) One member shall represent county governments.

7 "(10) One member shall represent the Alabama
8 Council, American Institute of Architects.

9 "(11) One member shall represent the Alabama
10 Liquefied Petroleum Gas Board.

11 "(12) One member shall represent the ~~Southern~~
12 ~~Building Code Congress International (SBCCI)~~ International
13 Code Council (ICC) Alabama Chapter (Code Officials Association
14 of Alabama).

15 "(13) One member shall represent the Home Builders
16 Licensure Board.

17 "(14) One member shall represent the Alabama Joint
18 Fire Council.

19 "(15) One member shall represent the Property and
20 Casualty Insurance Industry.

21 "(16) A Senate member of the Permanent Joint
22 Legislative Committee on Energy Policy selected by the chair
23 of the committee.

24 "(17) A House of Representatives member of the
25 Permanent Joint Legislative Committee on Energy Policy
26 selected by the chair of the committee.

1 "(c) Each member shall be selected from a list of
2 three candidates provided to the Governor by the division from
3 each entity listed above. Board appointees shall be selected
4 on the basis of their interest in problems concerning
5 residential energy resources, consumption, and conservation,
6 and without regard to political affiliation. Appointments
7 shall be of such a nature as to aid the work of the board and
8 to inspire the highest degree of coordination and cooperation.
9 All members of the board shall be deemed members at-large
10 charged with the responsibility of serving the best interests
11 of the board, the division, the units of local government, and
12 the state. No member shall act as the representative of any
13 particular region, United States congressional district in
14 Alabama, or state Senate or legislative district in Alabama.

15 "(d) The board shall ~~serve in an advisory capacity~~
16 ~~to the division, and to units of local government,~~ exercise
17 sole authority with respect to all matters pertaining to the
18 acceptance, adoption, and implementation of the ~~Model Energy~~
19 ~~Code~~ Alabama Energy and Residential Codes by the State of
20 Alabama. The board shall be under the authority and
21 supervision of the division, and shall be administered by the
22 chief of the division with the assistance of such other
23 officers and department employees as are deemed necessary to
24 carry out the purpose, functions, duties, and activities of
25 the board.

1 "(e) The membership of the board shall be inclusive
2 and should reflect the racial, gender, geographic,
3 urban/rural, and economic diversity of the state.

4 "(f) This act shall not apply to the erection or
5 construction of a farm structure. The term farm structure, for
6 the purposes of this act, means a structure that is
7 constructed on a farm, other than a residence or a structure
8 attached to it, for use on the farm including, but not limited
9 to, barns, sheds, and poultry houses. A farm structure does
10 not include a structure originally qualifying as a farm
11 structure but later converted to another use.

12 "§41-23-83.

13 "(a) Each member of the board shall be selected for
14 a five-year term, the term to begin on the date of appointment
15 of each member. Of the initial appointees, however, the terms
16 of membership shall be as follows:

17 "(1) Four members shall be appointed to serve for
18 two years.

19 "(2) Three members shall be appointed to serve for
20 three years.

21 "(3) Three members shall be appointed to serve for
22 four years.

23 "(4) Three members shall be appointed to serve for
24 five years.

25 "(b) The members of the board shall continue to
26 serve after the expiration of their terms until their

1 successors have been appointed by the Governor. Any member may
2 be reappointed to serve on the board; however, no member shall
3 serve for more than a total of 10 consecutive years on the
4 board from the date of initial appointment.

5 "(c) Vacancies on the board shall be filled by
6 appointment by the Governor for the unexpired term.

7 "(d) The members of the board shall receive no
8 salary or compensation for serving on the board but shall be
9 reimbursed for travel expenses in accordance with State of
10 Alabama law, incurred in the performance of their duties.

11 "§41-23-84.

12 "(a) The first meeting of the board shall be called
13 by the chief of the division as soon as is practicable after
14 July 31, 1995. The division chief shall preside until a chair
15 and a vice chair are selected by the board. The board shall
16 elect annually from its own members a chair, a vice chair, and
17 such other officers as it may deem desirable, and shall adopt
18 rules for its organization in the conduct of its business.

19 "(b) The board shall hold a regular meeting at least
20 once during each calendar year at a time and place as
21 designated or specified in its rules. Special or additional
22 meetings may be held on a call of the chair, upon a call
23 signed by at least seven members, or upon a call by the
24 division chief.

25 "(c) A majority of the members of the board shall
26 constitute a quorum at all its meetings, and adoption or

1 resolution of any business shall require the concurrence of a
2 majority of all the members of the board. An agenda for the
3 meetings in sufficient detail to indicate the terms on which
4 final action is contemplated shall be mailed by the division
5 chief to the chair, vice chair, and board members at least 30
6 days prior to the meeting.

7 "(d) The division chief shall serve as ex officio
8 secretary of the board, shall keep a record of the proceedings
9 of all board meetings, and perform such other duties as may be
10 delegated by the board. The division chief shall not receive
11 any additional compensation for the performance of those
12 duties on the board or pursuant to this article.

13 "(e) The board may establish committees among its
14 membership, as it deems necessary, to assist in the conduct of
15 its business. Subcommittees shall include representation from
16 suppliers and/or others interested in the subject matter
17 assigned to the subcommittees.

18 "(f) All meetings of the board shall be held in
19 accordance with the provisions of the Alabama Open Meetings
20 Act (Chapter 25A of Title 36, Code of Alabama 1975).

21 "§41-23-85.

22 "(a) The board shall ~~serve in an advisory capacity~~
23 ~~to the division~~ exercise sole authority with respect to all
24 matters pertaining to the acceptance, and adoption, and
25 implementation of the ~~Model Energy Code~~ Alabama Energy and

1 Residential Codes by the State of Alabama. In so doing, the
2 board may perform any of the following functions:

3 "(1) ~~Review, make recommendations, and determine~~
4 ~~whether the most current edition of the Model Energy Code~~
5 ~~should be adopted by the units of local government.~~ Review,
6 amend, and adopt the Alabama Energy and Residential Codes.

7 The board shall consider updates and changes to the
8 codes referenced herein no less than two years after the date
9 of publication of the most recent version of the codes.

10 "(2) Evaluate, assess, advise, and counsel the
11 division and the units of local government, on residential
12 energy codes and the impact of those codes upon the economy
13 and the environment.

14 "(3) Solicit and enlist the cooperation of all
15 appropriate private-sector and community-based organizations
16 to implement the purpose of this article.

17 "(4) Make recommendations to the division for the
18 enactment of additional legislation as it deems necessary
19 which proposes to further enhance the capabilities of the
20 state and the units of local government in accepting,
21 adopting, and implementing the ~~Model Energy Code~~ Alabama
22 Energy and Residential Codes, and in meeting the need for
23 increasing residential energy resources and conservation due
24 to trends in residential population and the change in
25 technical requirements of the economy.

1 "(5) Make continuing studies, on its own initiative
2 or upon the request of the division, of the residential energy
3 resources, conservation, and consumption needs throughout the
4 state, and issue those reports to the division and to the
5 units of local government as may result from its studies.

6 "(6) Submit to the chief of the division, on an
7 annual basis, a written report covering the activities of the
8 board.

9 "(7) Make rules and regulations for the conduct of
10 its board meetings, procedures, and execution of the purpose,
11 functions, powers, and duties delegated to it by this article.

12 "(8) Conduct a program of public information in
13 order to inform the units of local government and the citizens
14 of the state on ~~matters of the~~ importance ~~to residential~~
15 ~~energy~~ resources of residential and energy codes,
16 conservation, and consumption.

17 "(9) Identify any and all resources needed or
18 required for the board to implement the purpose, functions,
19 powers, and duties of this article.

20 "(b) The division shall be responsible for
21 ~~considering and~~ taking action upon any and all recommendations
22 to which the board may from time to time submit.

23 "~~(c) Any Except as provided in this section, any~~
24 ~~code adopted by any state or local governing entity or agency~~
25 ~~that conflicts after the effective date of this act shall not~~
26 ~~conflict with the codes adopted by the board shall be void.~~

1 ~~Local governing entities may elect to amend the Alabama Energy~~
2 ~~and Residential Codes to fit local conditions, but shall not~~
3 ~~make amendment to code provisions contained within the Alabama~~
4 ~~Energy and Residential Codes which are mandated or required by~~
5 ~~any federal agency or law.~~

6 "(c) (1) Except as provided in this section, any code
7 adopted by any state or county entity or agency after the
8 effective date of this act shall not conflict with the codes
9 adopted by the board. A county entity or agency may elect to
10 amend the Alabama Energy and Residential Codes as local
11 conditions require, but shall not make any amendment to
12 mandate residential fire sprinklers or to provisions which are
13 mandated or required by any federal law or federal regulation.

14 "(2) As of the effective date of this act, any
15 municipality which does not have a code in effect adopted
16 pursuant to Section 11-45-8 shall not adopt any energy or
17 residential code other than the Alabama Energy and Residential
18 Codes adopted by the board or any newer versions thereof.
19 Provided, however, a municipality may elect to amend the
20 Alabama Energy and Residential Codes as local conditions
21 require, but shall not make any amendment to mandate
22 residential fire sprinklers or to provisions which are
23 mandated or required by any federal law or federal regulation.

24 "(3) Except as provided in subsection (d), nothing
25 contained in this act shall apply to any municipality with a
26 code adopted pursuant to Section 11-45-8 in effect as of the

1 effective date of this act nor shall it prevent any such
2 municipality from making any changes or amendments to existing
3 codes after the effective date. Provided, however, that a
4 municipality shall not make any amendment to provisions which
5 are mandated by any federal law or federal regulation.

6 "(d) A municipal, county, or state governing entity
7 or agency may not enact an ordinance, rule, bylaw, order,
8 building code, or other legal device that would restrict a
9 consumer's ability to elect to install, by the consumer's
10 choice and for a fee, a residential fire sprinkler system in
11 any new or existing one-family or two-family dwelling. A
12 municipal, county, or state governing entity or agency may not
13 enact an ordinance, rule, bylaw, order, building code, or
14 other legal device that would require the installation of a
15 residential fire sprinkler system in any new or existing
16 one-family or two-family dwelling. Provided, however, all
17 municipalities governed by subsection (c) (3) of this section
18 which have enacted any ordinance, rule, bylaw, order, building
19 code, or other legal device as of the effective date of this
20 act relating to the installation of a residential fire
21 sprinkler system may continue to enforce or amend such
22 ordinance, rule, bylaw, order, building code, or other legal
23 device."

24 Section 2. This act shall become effective
25 immediately following its passage and approval by the
26 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Commerce 14-JAN-10

Read for the second time and placed
on the calendar with 1 substitute
and 21-JAN-10

Read for the third time and passed
as amended 26-JAN-10

Yeas 102, Nays 0, Abstains 1

Greg Pappas
Clerk