

1 HB264
2 115643-3
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,
10 Williams (P), Letson, Drake, Lewis, Faust, Beasley, Johnson,
11 White, Boyd, Spicer, Baker (A), Beech, McAdory, Buskey,
12 Curtis, Galliher, Davis, Moore (P), Fincher, Bentley, Gordon,
13 Irons, DeMarco, Hilliard, Coleman, Hammon, Baker (L) and
14 Williams (J)
15 RFD: Commerce
16 First Read: 14-JAN-10

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8 SYNOPSIS: Currently, the Alabama Residential Energy
9 Code Board serves in an advisory capacity to the
10 Science, Technology, and Energy Division of the
11 Alabama Department of Economic and Community
12 Affairs.

13 Currently, local units of government are
14 encouraged to adopt the Model Energy Code. This
15 bill would replace the Model Energy Code with the
16 Alabama Energy and Residential Codes (codes), and
17 require the board, as the sole authority, to adopt,
18 amend, and revise the codes and to comply with
19 federal energy and building guidelines. Farm
20 structures would be exempt from the codes
21 requirements. Additional members would be added to
22 the board and board service would be limited to 10
23 consecutive years. Board membership would be
24 inclusive and represent diversity, and board
25 meetings would be subject to the Alabama Open
26 Meetings Act.

1 A BILL
2 TO BE ENTITLED
3 AN ACT

4
5 To amend Sections 41-23-80, 41-23-81, 41-23-82,
6 41-23-83, 41-23-84, and 41-23-85, Code of Alabama 1975,
7 relating to the Model Energy Code and the advisory role of the
8 Alabama Residential Energy Code Board; to require the adoption
9 of the Alabama Energy and Residential Codes by the Alabama
10 Residential and Energy Codes Board in compliance with certain
11 federal energy and building requirements; to expand the board
12 membership and provide further for diversity, membership,
13 service, and meetings of the board; to provide an exclusion
14 for farm structures; to prohibit state or local entities from
15 amending federally required codes or from adopting ordinances,
16 policies, or codes that would require the installation of
17 sprinkler systems in certain family dwellings; and to preserve
18 a consumer's ability to install sprinkler systems in certain
19 family dwellings.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 41-23-80, 41-23-81, 41-23-82,
22 41-23-83, 41-23-84, and 41-23-85, Code of Alabama 1975, are
23 hereby amended to read as follows:

24 "§41-23-80.

25 "The Legislature finds that the development,
26 management, efficient consumption, and conservation of
27 residential energy resources are of prime importance

1 throughout this state and this nation. It is also important to
2 ensure the protection of the economic and environmental values
3 of Alabama's citizens. It is the intent of the Legislature to
4 do each of the following pursuant to this article:

5 "(1) Encourage the conservation and efficient use of
6 residential energy resources within this state's counties and
7 municipalities.

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

12 "(3) Advise and assist the units of local government
13 in adopting the ~~Model Energy Code~~ Alabama Energy and
14 Residential Codes and implementing those code provisions
15 within their boundaries.

16 "(4) Promote the identification of energy management
17 technologies available for residential uses, and to
18 disseminate information to the units of local government about
19 such technologies and their uses.

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

23 "Provide a process for the adoption of modern
24 building and energy codes by the State of Alabama and for
25 their implementation by units of local government.

26 "Provide a process by which the State of Alabama
27 shall adopt required codes in compliance with federal law.

1 "§41-23-81.

2 "The following terms shall have the meanings
3 respectively prescribed for them, except when the context
4 otherwise requires:

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

7 "(2) DEPARTMENT. The Alabama Department of Economic
8 and Community Affairs.

9 "(3) DIVISION. The Science, Technology, and Energy
10 Division of the Alabama Department of Economic and Community
11 Affairs.

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

17 "(4) ALABAMA ENERGY AND RESIDENTIAL CODES. The codes
18 adopted by the board, as amended by the board, and based on
19 the 2006 Edition of the International Energy Conservation
20 Code, ANSI/ASHRAE/IESNA Standard 90.1-2007 for commercial
21 buildings, and the 2006 International Residential Code
22 published by the International Code Council, or any subsequent
23 editions, changes, or recom compilations thereof, or any other
24 code which the board officially adopts.

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

27 "§41-23-82.

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

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

11 "(1) One member shall represent the Home Builders
12 Association.

13 "(2) One member shall represent the Board of General
14 Contractors.

15 "(3) One member shall represent the Heating and Air
16 Conditioning Board.

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

19 "(5) One member shall represent the rural electric
20 cooperative industry.

21 "(6) One member shall represent the natural gas
22 industry.

23 "(7) One member shall be a licensed professional
24 engineer.

25 "(8) One member shall represent municipalities.

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

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

3 "(11) One member shall represent the Alabama
4 Liquefied Petroleum Gas Board.

5 "(12) One member shall represent the ~~Southern~~
6 ~~Building Code Congress International (SBCCI)~~ International
7 Code Council (ICC) Alabama Chapter (Code Officials Association
8 of Alabama).

9 "(13) One member shall represent the Home Builders
10 Licensure Board.

11 "(14) One member shall represent the Alabama Joint
12 Fire Council.

13 "(15) One member shall represent the Property and
14 Casualty Insurance Industry.

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

18 "(17) A House of Representatives member of the
19 Permanent Joint Legislative Committee on Energy Policy
20 selected by the chair of the committee.

21 "(c) Each member shall be selected from a list of
22 three candidates provided to the Governor by the division from
23 each entity listed above. Board appointees shall be selected
24 on the basis of their interest in problems concerning
25 residential energy resources, consumption, and conservation,
26 and without regard to political affiliation. Appointments
27 shall be of such a nature as to aid the work of the board and

1 to inspire the highest degree of coordination and cooperation.
2 All members of the board shall be deemed members at-large
3 charged with the responsibility of serving the best interests
4 of the board, the division, the units of local government, and
5 the state. No member shall act as the representative of any
6 particular region, United States congressional district in
7 Alabama, or state Senate or legislative district in Alabama.

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

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

21 "(f) This act shall not apply to the erection or
22 construction of a farm structure. The term farm structure, for
23 the purposes of this act, means a structure that is
24 constructed on a farm, other than a residence or a structure
25 attached to it, for use on the farm including, but not limited
26 to, barns, sheds, and poultry houses. A farm structure does

1 not include a structure originally qualifying as a farm
2 structure but later converted to another use.

3 "§41-23-83.

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

8 "(1) Four members shall be appointed to serve for
9 two years.

10 "(2) Three members shall be appointed to serve for
11 three years.

12 "(3) Three members shall be appointed to serve for
13 four years.

14 "(4) Three members shall be appointed to serve for
15 five years.

16 "(b) The members of the board shall continue to
17 serve after the expiration of their terms until their
18 successors have been appointed by the Governor. Any member may
19 be reappointed to serve on the board; however, no member shall
20 serve for more than a total of 10 consecutive years on the
21 board from the date of initial appointment.

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

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

1 "§41-23-84.

2 "(a) The first meeting of the board shall be called
3 by the chief of the division as soon as is practicable after
4 July 31, 1995. The division chief shall preside until a chair
5 and a vice chair are selected by the board. The board shall
6 elect annually from its own members a chair, a vice chair, and
7 such other officers as it may deem desirable, and shall adopt
8 rules for its organization in the conduct of its business.

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

15 "(c) A majority of the members of the board shall
16 constitute a quorum at all its meetings, and adoption or
17 resolution of any business shall require the concurrence of a
18 majority of all the members of the board. An agenda for the
19 meetings in sufficient detail to indicate the terms on which
20 final action is contemplated shall be mailed by the division
21 chief to the chair, vice chair, and board members at least 30
22 days prior to the meeting.

23 "(d) The division chief shall serve as ex officio
24 secretary of the board, shall keep a record of the proceedings
25 of all board meetings, and perform such other duties as may be
26 delegated by the board. The division chief shall not receive

1 any additional compensation for the performance of those
2 duties on the board or pursuant to this article.

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

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

11 "§41-23-85.

12 "(a) The board shall ~~serve in an advisory capacity~~
13 ~~to the division~~ exercise sole authority with respect to all
14 matters pertaining to the acceptance, and adoption, and
15 implementation of the ~~Model Energy Code~~ Alabama Energy and
16 Residential Codes. In so doing, the board may perform any of
17 the following functions:

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

22 "(2) Evaluate, assess, advise, and counsel the
23 division and the units of local government, on residential
24 energy codes and the impact of those codes upon the economy
25 and the environment.

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

4 "(4) Make recommendations to the division for the
5 enactment of additional legislation as it deems necessary
6 which proposes to further enhance the capabilities of the
7 state and the units of local government in accepting,
8 adopting, and implementing the ~~Model Energy Code~~ Alabama
9 Energy and Residential Codes, and in meeting the need for
10 increasing residential energy resources and conservation due
11 to trends in residential population and the change in
12 technical requirements of the economy.

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

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

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

24 "(8) Conduct a program of public information in
25 order to inform the units of local government and the citizens
26 of the state on ~~matters of~~ the importance ~~to residential~~

1 ~~energy resources of residential and energy codes,~~
2 conservation, and consumption.

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

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

9 "(c) Any code adopted by any state or local
10 governing entity or agency that conflicts with the codes
11 adopted by the board shall be void. Local governing entities
12 may elect to amend the Alabama Energy and Residential Codes to
13 fit local conditions, but shall not make amendment to code
14 provisions contained within the Alabama Energy and Residential
15 Codes mandated or required by any federal agency or law.

16 "(d) A municipal, county, or state governing entity
17 or agency may not enact an ordinance, rule, bylaw, order,
18 building code, or other legal device that would restrict a
19 consumer's ability to elect to install, by the consumer's
20 choice and for a fee, a residential fire sprinkler system in
21 any new or existing one-family or two-family dwelling. A
22 municipal, county, or state governing entity or agency may not
23 enact an ordinance, rule, bylaw, order, building code, or
24 other legal device that would require the installation of a
25 residential fire sprinkler system in any new or existing
26 one-family or two-family dwelling."

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