

SB136 INTRODUCED



1 1VE2LL-1
2 By Senator Givhan
3 RFD: Banking and Insurance
4 First Read: 23-Mar-23
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SYNOPSIS:

Existing law provides the Home Builders Licensure Board with authority to adopt residential building codes and standards of practices for residential home builders within this state and allows county commissions and municipalities to adopt building laws and codes within their respective jurisdictions.

This bill would create the Alabama Residential Building Code Advisory Council to recommend an Alabama Residential Building Code, to be based upon the International Residential Code and the residential chapters of the International Energy Conservation Code, to be adopted by the Home Builders Licensure Board.

This bill would require counties and municipalities that enforce residential building laws or codes, when adopting new codes or amending existing codes, to adopt or amend the codes in accordance with the minimum standards set by the Alabama Residential Building Code.

This bill would require residential home builders in this state to build, renovate, and repair residences in accordance with the minimum standards set by the Alabama Residential Building Code.

This bill would establish the Alabama Residential Building Code Division within the Home



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29 Builders Licensure Board and provide for the authority
30 and jurisdiction of the division.

31 This bill would establish the Alabama
32 Residential Building Code Fund within the State
33 Treasury and would provide for the distribution of
34 funds and administration thereof by the Alabama
35 Residential Building Code Division for purposes of
36 implementing the Alabama Residential Building Code.

37 This bill would allow the Alabama Residential
38 Building Code Division to provide funds for grants
39 designed to promote residential building code
40 enforcement operations among local jurisdictions.

41 This bill would change the name of the Alabama
42 Energy and Residential Codes Board to the Alabama
43 Commercial Energy Code Board and would further provide
44 for the membership of the board.

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A BILL

TO BE ENTITLED

AN ACT

51 Relating to building codes; to amend Section 27-2-39,
52 Code of Alabama 1975, to provide for a portion of fees and
53 taxes collected by the Department of Insurance to the Alabama
54 Residential Building Code Fund; to designate Sections 34-14A-1
55 through 34-14A-20 as Article 1 of Chapter 14A of Title 34,
56 Code of Alabama 1975; to amend Sections 34-14A-1, 34-14A-2,



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57 34-14A-7, 34-14A-12, 34-14A-20, Code of Alabama 1975, to
58 provide for the establishment of the Alabama Residential
59 Building Code and its authority; to further provide for the
60 practice of residential home building; to further provide for
61 the duties of the Home Builders Licensure Board; to add
62 Article 2, commencing with Section 34-14A-41, to Chapter 14A
63 of Title 34, Code of Alabama 1975, to establish the Alabama
64 Residential Building Code Division within the Home Builders
65 Licensure Board and provide for its duties; to establish the
66 Alabama Residential Building Code Fund in the State Treasury
67 and provide for its administration; to add Article 6A,
68 commencing of Section 41-9-175, to Chapter 9 of Title 41, Code
69 of Alabama 1975, to establish the Alabama Residential Building
70 Code Advisory Council and provide for its membership and
71 duties; to amend Sections 41-23-80, 41-23-81, 41-23-82,
72 41-23-84, 41-23-85, Code of Alabama 1975, to provide for the
73 change of the name of the Alabama Energy and Residential Codes
74 Board to the Alabama Commercial Energy Code Board and further
75 provide for the membership of the board; and to provide
76 requirements for certain local building codes adopted or
77 amended after a date certain.

78 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

79 Section 1. Section 27-2-39, Code of Alabama 1975, is
80 amended to read as follows:

81 "§27-2-39

82 (a) There is created a fund in the State Treasury
83 designated the Insurance Department Fund to be used for the
84 operation of the Department of Insurance. Receipts deposited



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85 into this fund shall be disbursed only by warrants of the
86 state Comptroller drawn upon the State Treasury on itemized
87 vouchers approved by the Commissioner of Insurance. No funds
88 shall be withdrawn or expended except as budgeted and allotted
89 according to Sections 41-4-80 to 41-4-96, inclusive, and
90 41-19-1 to 41-19-12, inclusive, and only in amounts as
91 stipulated in the general appropriations act, other
92 appropriation acts, or this section. At the end of each fiscal
93 year, any unencumbered and unexpended balance of up to 25
94 percent of the amount appropriated for that fiscal year shall
95 not revert to the State General Fund under Section 41-4-93,
96 but shall carry over to the next fiscal year.

97 (b) Notwithstanding any other provision of law, the
98 Commissioner of Insurance shall promptly pay all sums, fees,
99 taxes, licenses, renewals, and other miscellaneous charges
100 collected pursuant to Sections 27-2-16, 27-3-29, 27-4-2,
101 27-13-5, 27-13-24, 27-13-62, 27-21A-21, 27-34-6, 27-34-36,
102 27-34-47, and 27-39-6, other than those fines, penalties, and
103 deposit requirements collected pursuant to Section 27-3-29,
104 into the State Treasury ~~with 50~~ to be distributed as follows:

105 (1) Fifty percent credited to the Insurance Department
106 Fund.

107 (2) Five percent credited to the Alabama Residential
108 Building Code Fund.

109 (3) Forty-five percent credited as follows:

110 a. The first one million five hundred thousand dollars
111 (\$1,500,000) ~~credited~~ collected each fiscal year to be
112 credited to the Center for Risk and Insurance Research Fund.



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113 ~~and the remainder.~~

114 b. The remaining balance credited to the State General
115 Fund."

116 Section 2. Sections 34-4A-1 through 34-14A-20 are
117 designated as Article 1 of Chapter 14A, Title 34, Code of
118 Alabama 1975.

119 Section 3. Sections 34-14A-1, 34-14A-2, 34-14A-7,
120 34-14A-12, and 34-14A-20, Code of Alabama 1975, are amended to
121 read as follows:

122 "§34-14A-1

123 (a) In the interest of the public health, safety,
124 welfare, and consumer protection, and to regulate the home
125 building and private residence construction industry, the
126 purpose of this chapter, and the intent of the Legislature in
127 passing it, is ~~to~~:

128 (1) To provide for the licensure of ~~those~~ persons who
129 engage in home building, private residence construction, and
130 home improvement industries, including remodeling, ~~and to~~.
131 ~~provide home building standards~~

132 (2) To establish an Alabama Residential Building Code.

133 (3) To provide guidance, assistance, promotion, and
134 support for code inspections of residential construction. ~~and~~
135 ~~to~~

136 (4) To support education within the construction trades
137 and construction inspections in the State of Alabama.

138 (b) The Legislature recognizes that the home building
139 and home improvement construction industries are significant
140 industries. ~~Home builders may pose significant~~ and that



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141 significant harm to the public may result from the provision
142 of ~~when unqualified, incompetent, or dishonest home builders~~
143 ~~and remodelers provide~~ inadequate, unsafe, or inferior
144 building services by unqualified, incompetent, or dishonest
145 home builders and remodelers. The Legislature finds it
146 necessary to regulate the residential home building and home
147 improvement industries."

148 "§34-14A-2

149 As used in this chapter, the following terms ~~shall~~ have
150 the following meanings, respectively, unless the context
151 clearly indicates otherwise:

152 (1) ADVERTISING. Engaging or offering to engage in any
153 acts or services as a residential home builder by the act or
154 practice of offering for sale professional services by
155 promoting those services through print, radio or television
156 media, on billboards, through social media, through
157 promotional sponsorships, on vehicles, by the placement of
158 signs in front of ongoing or completed worksites, or by
159 displaying credentials, including licensure, to perform
160 residential home building.

161 (2) ALABAMA RESIDENTIAL BUILDING CODE. The code adopted
162 by the board, as amended by the board, and based on a
163 published edition of the International Residential Code, and
164 the residential chapters of a published edition of the
165 International Energy Conservation Code.

166 (3) APPLICABLE RESIDENTIAL BUILDING CODE. The Alabama
167 Residential Building Code or a local residential building code
168 adopted by a county or municipality, pursuant to this chapter,



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169 where the construction, renovation, or repairs will take
170 place.

171 ~~(1) ADVISORY COUNCIL. The Alabama Construction Trade~~
172 ~~Advisory Council.~~

173 ~~(2)~~ (4) BOARD. The Home Builders Licensure Board.

174 (5) BUILDING INSPECTOR. An individual who performs
175 inspections upon any structure governed by this chapter on
176 behalf of any local or state governing authority or as a
177 private code inspector as provided in this chapter.

178 (6) CODE INSPECTION. The oversight, review, and
179 approval of the phases of residential home building,
180 including, but not limited to, the inspection of foundation,
181 framing, plumbing, electrical, heating, ventilation, air
182 conditioning, roof, rough-in, and final inspection phase,
183 conducted on behalf of either a local or state governing
184 authority or by a private code inspector as required by a
185 local jurisdiction or the Alabama Residential Building Code.

186 ~~(3)~~ (7) COST OF THE UNDERTAKING. The total cost of the
187 materials, labor, supervision, overhead, and profit.

188 (8) COUNCIL. The Alabama Residential Building Code
189 Advisory Council.

190 (9) DIVISION. The Alabama Residential Building Code
191 Division.

192 ~~(4)~~ (10) HOMEOWNER. A person who owns and resides in or
193 intends to reside in a structure constructed or remodeled by a
194 licensee of the board, or who contracts with a licensee for
195 the purchase, construction, repair, improvement, or
196 reimprovement of a structure to be used as a residence.



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197 ~~(5)~~ (11) IMPROVEMENT. Any site-built addition or
198 enhancement attached to or detached from a residence or
199 structure for use and enjoyment by the homeowner.

200 ~~(6)~~ (12) INACTIVE LICENSE. A license issued at the
201 request of a licensee, or a building official or a building
202 inspector, that is renewable, but that is not currently valid.

203 ~~(7)~~ (13) LICENSE. Any license issued by the board
204 pursuant to this chapter.

205 ~~(8)~~ (14) LICENSEE. A holder of any license issued
206 pursuant to this chapter.

207 ~~(9)~~ (15) PERSON. Any ~~natural person~~ individual, limited
208 or general partnership, corporation, association, limited
209 liability company, or other legal entity, or any combination
210 thereof.

211 ~~(10)~~ (16) QUALIFYING REPRESENTATIVE. The individual
212 designated by a general partnership, limited partnership,
213 corporation, limited liability company, or not-for-profit
214 organization applying for a license who either holds a license
215 individually or meets the experience and ability requirements
216 for licensure, and who is one of the following:

217 a. A general partner in the case of any partnership.

218 b. An officer in the case of a corporation.

219 c. A member in the case of a member-managed limited
220 liability company.

221 d. A manager in the case of a manager-managed limited
222 liability company.

223 e. An individual who is affiliated with one of the
224 member entities of the limited liability company and who has



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225 been identified and authorized through the operating agreement
226 to manage day-to-day operations as it relates to operations of
227 the limited liability company for purposes of licensure.

228 ~~(11)~~ (17) RESIDENCE. A single unit providing complete
229 independent residential living facilities for one or more
230 persons, including permanent provisions for living, sleeping,
231 eating, cooking, and sanitation.

232 ~~(12)~~ (18) RESIDENTIAL HOME BUILDER. A person who
233 constructs a residence or structure for sale or who, for a
234 fixed price, commission, fee, or wage, undertakes or offers to
235 undertake the construction or superintending of the
236 construction, or who manages, supervises, assists, or provides
237 consultation to a homeowner regarding the construction or
238 superintending of the construction, of any residence or
239 structure that is not over three floors in height and that
240 does not have more than four residential units, or the repair,
241 improvement, or reimprovement thereof, to be used by another
242 as a residence when the cost of the undertaking exceeds ten
243 thousand dollars (\$10,000). Notwithstanding the foregoing, the
244 term includes a residential roofer when the cost of the
245 undertaking exceeds two thousand five hundred dollars
246 (\$2,500). Nothing herein shall prevent any person from
247 performing these acts on his or her own residence or on his or
248 her other real estate holdings. Anyone who engages or offers
249 to engage in any acts described in this subdivision, through
250 advertising or otherwise, shall be deemed to have engaged in
251 the business of residential home building.

252 ~~(13)~~ (19) RESIDENTIAL ROOFER. A person who installs



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253 products or repairs surfaces on the external upper covering of
254 a residence or structure that seals, waterproofs, or
255 weatherproofs the residence or structure.

256 ~~(14)~~ (20) STRUCTURE. A residence on a single lot,
257 including a site-built home, a condominium, a duplex or
258 multi-unit residential building consisting of not more than
259 four residential units, or any improvement thereto.

260 ~~(15)~~ (21) TRANSACTION. The act of entering into a
261 contract with a licensee to engage in the business of
262 residential home building."

263 "§34-14A-7

264 (a) Any residential home builder who desires to receive
265 a new or renewal license under this chapter shall make and
266 file with the board 30 days prior to the next meeting of the
267 board a written application on a form prescribed by the board.
268 Each applicant shall be a citizen of the United States or, if
269 not a citizen of the United States, a person who is legally
270 present in the United States with appropriate documentation
271 from the federal government. ~~Such~~ The application shall be
272 accompanied by the payment of the annual license fee required
273 by the board. After the board accepts the application, the
274 applicant may be examined by the board at its next meeting.
275 The board, in examining the applicant, shall consider the
276 following qualifications of the applicant:

277 (1) Experience.

278 (2) Ability.

279 (3) Character.

280 (4) Business-related financial condition.



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281 a. The board may require a financial statement on a
282 form prescribed by the board and a public records search
283 directly from a credit reporting agency.

284 b. The board may require a positive net worth or other
285 evidence of business-related financial condition sufficient to
286 reasonably satisfy the board of the applicant's financial
287 responsibility.

288 c. The board may require that business-related
289 judgments, judgment liens, and other perfected liens must be
290 satisfied and released.

291 d. Any information obtained by the board pursuant to
292 this subsection relating to the financial condition of an
293 applicant shall not be public information.

294 (5) Ability and willingness to serve the public and
295 conserve the public health and safety.

296 (6) Any other pertinent information the board may
297 require.

298 (b) (1) If the board finds the applicant qualified to
299 engage in residential home building in Alabama, the applicant
300 shall be issued a license. An applicant rejected by the board
301 shall be given an opportunity to be reexamined after a new
302 application has been filed and an additional application fee
303 paid.

304 (2) A record shall be made and preserved by the board
305 of each examination and the findings of the board pertaining
306 to the examination. A copy of the record shall be made
307 available to any applicant requesting it upon the payment of a
308 reasonable fee to the board.



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309 (c) The board, by rule, may require proof of and
310 maintenance of insurance as a qualification for licensure.

311 (d) The board, by rule, may establish or adopt, or
312 both, education requirements and may approve, administer, or
313 financially support the program or programs providing
314 residential construction education.

315 (e) (1) Each licensee shall notify the board within 10
316 days after notice of the institution of any criminal
317 prosecution against him or her. The notification shall be in
318 writing, by certified mail, and shall include a copy of the
319 specific charge made together with a copy of the indictment,
320 information, or complaint, affidavit, and warrant making the
321 charges.

322 (2) Each licensee shall notify the board in writing by
323 certified mail within 10 days after he or she receives ~~the~~
324 notice that any criminal verdict has been rendered against him
325 or her, or that a criminal action pending against him or her
326 has been dismissed.

327 (f) Each licensee shall ~~utilize~~use a valid written
328 contract when engaging in the business of residential home
329 building. In addition to any other requirements provided by
330 law, the contract shall contain the licensee's license number
331 issued by the board.

332 (g) Whenever a licensee engages in advertising, the
333 licensee shall ensure that the licensee's valid license number
334 issued by the board is displayed.

335 (h) A contract for the performance of work and
336 activities for which a license is required by this chapter



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337 shall provide the following disclosure information:

338 (1) That the work is performed in compliance with
339 either the adopted residential building code in a local
340 jurisdiction or the Alabama Residential Building Code as
341 adopted by the board and enforced in those local jurisdictions
342 without an adopted residential building code.

343 (2) Unless the inspection has been waived pursuant to
344 subsection (i), that the work has been inspected by the local
345 jurisdiction or inspected by private code inspectors where the
346 local jurisdiction does not have an inspection program; except
347 that if a local jurisdiction has not adopted a residential
348 building code or does not have an inspection program, the
349 local jurisdiction shall not be responsible for the conduct of
350 a private code inspector.

351 (i) A residential building code inspection may be
352 waived only as provided in this subsection:

353 (1) A homeowner, subject to the provisions of Section
354 34-14A-6, or a licensee, may waive code inspections within a
355 local jurisdiction without an adopted residential building
356 code. The waiver shall include both of the following:

357 a. A signed acknowledgment by the homeowner that
358 mortgage and insurance providers may require proof of code
359 inspections as a condition of lending and insuring.

360 b. Any code inspection rebate voucher for which the
361 homeowner is eligible, as well as the rebate voucher
362 requirements when private code inspections are the only
363 option.

364 (2) Prior to the commencement of any construction on a



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365 residential structure within a local jurisdiction without an
366 adopted residential building code or inspection program, a
367 licensee may waive a private code inspection on the
368 residential structure by doing all of the following:

369 a. Disclosing the waiver in any contract for purchase
370 or sale within the local jurisdiction.

371 b. Disclosing to the homeowner that the homeowner may
372 request a code inspection of the work to the extent
373 practicable and that code inspections may be required by
374 insurance and mortgage providers.

375 c. Disclosing to the homeowner, prior to a contract for
376 purchase of the residential structure, that any code
377 inspections have been waived.

378 d. Having the waiver of private code inspections signed
379 by the homeowner and the licensee.

380 (3)a. Except as provided in paragraph b., no
381 inspections shall be waived in a local jurisdiction with an
382 adopted residential building code.

383 b. In a local jurisdiction with an adopted residential
384 building code, where the local jurisdiction only permits but
385 does not inspect, or that performs some but not all
386 inspections, only the non-inspected phases by the local
387 jurisdiction may be waived, provided the applicable disclosure
388 requirements described in subdivisions (1) or (2) are made.

389 (4) A local jurisdiction that has not adopted a
390 residential building code or does not have an inspection
391 program shall not be responsible for any harm related to
392 residential construction that occur following the execution of



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393 [a waiver.](#)

394 ~~(g)~~ (j) When any residential home building to be
395 performed will comply with a program designed to enhance the
396 resiliency of the structure beyond the requirements of the
397 applicable building codes, the licensee shall disclose this
398 compliance to the homeowner in writing prior to the
399 commencement of the residential home building.

400 ~~(h)~~ ~~(i)~~ (k) (1) Any licensee who desires to receive an
401 inactive license shall make and file with the board a written
402 application for an inactive license on a form prescribed by
403 the board prior to the expiration of his or her current
404 license. The application shall be accompanied by the payment
405 of the annual inactive license fee required by the board. No
406 act for which a license is required may be performed under an
407 inactive license. In the event a person holding a current
408 inactive license applies for a license, he or she may rely
409 upon his or her inactive license as evidence of the experience
410 and ability requirements for licensure under subdivisions (1)
411 and (2) of subsection (a).

412 (2) A person holding an expired license who seeks to
413 reactivate his or her license within three years of the date
414 of expiration shall be deemed to have satisfied the experience
415 and ability requirements for licensure if application is made
416 within the three-year time period and all other licensing
417 requirements pursuant to subsection (a) have been met.

418 (3) Any building official or building inspector who
419 desires to receive an inactive license shall make and file
420 with the board 30 days prior to the next meeting of the board



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421 a written application for an inactive license on a form
422 prescribed by the board. After the board accepts the
423 application, the applicant may be examined by the board at its
424 next board meeting. The board, in examining the applicant,
425 shall consider the following qualifications of the applicant
426 as satisfying the experience and ability requirements for
427 licensure:

428 a. That the building inspector is an employee of the
429 United States, the State of Alabama, or any municipality,
430 county, or other political subdivision and, by virtue of that
431 employment, is exempted or prohibited by law from holding a
432 license; and

433 b. That the building inspector does any of the
434 following:

435 1. Maintains current certification from the Southern
436 Building Code Congress International as one of the following:

437 (i) Chief building official.

438 (ii) Deputy building official.

439 (iii) Building inspector.

440 (iv) Housing inspector.

441 (v) Design professional.

442 (vi) Plan reviewer.

443 2. Maintains current certification from the
444 International Code Council as one of the following:

445 (i) Certified building official.

446 (ii) Building inspector.

447 (iii) Residential building inspector.

448 (iv) Property maintenance and housing inspector.



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449 (v) Building plans examiner.

450 (vi) Design professional.

451 3. Possesses sufficient building qualifications and
452 experience to receive a license, as demonstrated by
453 satisfactory evidence presented to the board.

454 (4) In the event a building official or building
455 inspector holding a current inactive license applies for a
456 license, he or she may rely upon his or her inactive license
457 as evidence of the experience and ability requirements for
458 licensure under subdivisions (1) and (2) of subsection (a)."

459 "§34-14A-12

460 ~~(a) The board may establish or adopt residential~~
461 ~~building codes and standards of practice for residential home~~
462 ~~builders within the state. A residential building code or~~
463 ~~standard of practice adopted or established by the board does~~
464 ~~not supersede or otherwise exempt residential home builders~~
465 ~~from a local building law or code adopted by the governing~~
466 ~~body of a county or municipality or from a local or general~~
467 ~~law.~~

468 (a) (1) The board shall adopt a minimum statewide
469 residential building code, called the Alabama Residential
470 Building Code, based upon the recommendations of the Alabama
471 Residential Building Code Advisory Council pursuant to
472 Article 6A of Chapter 9 of Title 41.

473 (2) The board shall establish minimum standards for
474 private code inspectors for the areas of the state where no
475 local jurisdiction is operating a residential permitting and
476 inspection program.



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477 (b) (1) This section shall be the sole statewide
478 statutory authority establishing minimum standards for
479 residential construction within this state.

480 (2) A local building code adopted or amended by any
481 county or municipality after October 1, 2023, shall meet the
482 minimum standards of the Alabama Residential Building Code in
483 effect at the time of the local building code adoption or
484 amendment and shall not exceed the energy provisions of the
485 Alabama Residential Building Code, unless compliance with any
486 federal mandate requires such adoption or amendment.

487 (3) Notwithstanding any other provision of law to the
488 contrary:

489 a. The Alabama Residential Building Code does not
490 supersede any local residential building code adopted by any
491 county or municipality prior to October 1, 2023.

492 b. The Alabama Residential Building Code does not apply
493 to any agricultural building except for any residence
494 contained therein.

495 ~~(b) (c) (1) The county commissions of the several~~
496 ~~counties~~ A county commission, by resolution, may adopt
497 building laws and codes ~~by ordinance which that~~ shall apply in
498 the unincorporated areas of the county. The county commission
499 shall provide a copy of any resolution adopted pursuant to
500 this subsection to the board within 10 business days of
501 adopting the resolution.

502 (2) A local building law or code adopted pursuant to
503 this subsection may not take effect until 120 days after the
504 resolution was adopted; provided, in the case of an insurance



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505 claim requiring work and activities for which a license is
506 required by this chapter, the effective date for the building
507 law or code shall be the date of adoption by the local
508 jurisdiction.

509 (3) The Except as provided in Section 11-40-10(b)(2),
510 the building laws and codes of the county commission shall not
511 apply within any municipal police jurisdiction outside of the
512 corporate limits of the municipality, in which that
513 ~~municipality is exercising its building laws or codes, without~~
514 ~~the express consent of the governing body of that~~
515 ~~municipality.~~ The building laws and codes of the county
516 commission may apply within the corporate limits of any
517 municipality only with the express consent of the governing
518 body of the municipality.

519 (4) The county commission may employ building
520 inspectors to see that its laws or codes are not violated and
521 that the plans and specifications for buildings are not in
522 conflict with the ~~ordinances~~ laws and codes of the county and
523 may exact fees to be paid by the owners of the property
524 inspected.

525 (5) The county commission, by resolution, may
526 discontinue its administration and enforcement of the building
527 laws and codes. However, the discontinuation shall not take
528 effect until 120 days after the resolution was adopted. The
529 county commission shall provide a copy of the resolution to
530 the board within 10 business days of adopting the resolution.

531 ~~(e)~~ (d) Utilizing the same authority and procedures as
532 municipalities pursuant to Sections 11-53A-20 to 11-53A-26,



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533 inclusive, the county commission may condemn buildings, parts
534 of buildings, or structures dangerous to the public and
535 prohibit the use thereof and abate the same as a nuisance.

536 ~~(d)~~ (e) The county commissions, municipalities, and
537 other public entities may enter into mutual agreements,
538 compacts, and contracts for the administration and enforcement
539 of their respective building laws and codes. A county
540 commission or municipality shall provide a copy of the mutual
541 agreement, compact, or contract to the board within 10
542 business days of its execution.

543 (f) A county commission or municipality shall provide
544 to the board a copy of any resolution, ordinance, or agreement
545 adopted pursuant to Section 11-40-10(b)(2) within 10 business
546 days of its adoption.

547 (g) Nothing in this section shall be construed to
548 restrict the power of any county or municipality to adopt and
549 enforce local building laws or codes that either comply with
550 or exceed the minimum standards of the Alabama Residential
551 Building Code; provided the local laws or codes are adopted or
552 amended in accordance with this chapter."

553 "§34-14A-20

554 (a) The Alabama Construction Trade Academy Fund is
555 established in the State Treasury. The fund shall be comprised
556 of federal, state, and private funding through direct
557 budgetary funding and grants for the expansion of construction
558 trade education. To the extent practicable, monies in the fund
559 shall be used to leverage other forms of funding from private
560 sources. A percentage of matching funds, as established by the



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561 advisory council, must come from private, non-governmental
562 sources. The board may not use more than 15 percent of the
563 monies in the fund for administrative and operational costs
564 incurred in the implementation and administration of this
565 section.

566 (b) The board, in cooperation with public and private
567 sector partners, shall establish a program to provide funding
568 mechanisms for tool grants, program incentives, supplies,
569 mobile facilities, and other programs to support the
570 development and continuation of construction trade education
571 programs in the state.

572 (c) The board shall administer the program and ~~shall~~may
573 apply for funds from federal grant programs and other
574 applicable funding sources authorized by law.

575 (d) (1) The Alabama Construction Trade Advisory Council
576 is established. The advisory council shall consist of the
577 following members:

578 a. One member appointed by and currently serving on the
579 Home Builders Licensure Board.

580 b. One member appointed by and currently serving on the
581 State of Alabama Plumbers and Gas Fitters Examining Board.

582 c. One member appointed by and currently serving on the
583 Licensing Board for General Contractors.

584 d. One member appointed by and currently serving on the
585 State Board of Heating, Air Conditioning, and Refrigeration
586 Contractors.

587 e. One member appointed by and currently serving on the
588 Alabama Board of Electrical Contractors.



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589 f. One appointee of the State Department of Education
590 who specializes in technical trade education.

591 g. One appointee of the Alabama Community College
592 System who specializes in technical trade education.

593 (2) Members of the advisory council shall be appointed
594 for a period of one year. Membership on the advisory council
595 shall be without compensation, except for reimbursement of
596 necessary travel expenses as is paid to state employees for
597 attending meetings and other necessary events of the advisory
598 council. Any expenses paid to a member of the advisory council
599 shall be paid by the member's appointing authority.

600 (e) The advisory council shall make recommendations to
601 the board, and the board shall establish program guidelines,
602 promote the program statewide, evaluate applications for
603 funds, distribute funds, and monitor and report the effect of
604 the funding on the availability of construction trade
605 education. The board may adopt rules to implement and
606 administer this section.

607 (f) The advisory council shall recommend and the board
608 shall establish monitoring and accountability mechanisms for
609 projects receiving funding. Not later than the fifth
610 legislative day of each regular legislative session, the board
611 shall file a report to the Legislature on the projects funded,
612 the geographic distribution of projects funded, the private
613 sector participation rates in funded projects, the
614 administrative costs of the program, and the outcomes of the
615 program, including the number of students and adult learners
616 trained by each project funded through the program.



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617 (g) The advisory council shall recommend and the board
618 shall create eligibility guidelines and provide project
619 funding through an application process. Projects eligible for
620 funding include the following:

621 (1) Mobile demonstration units that show the various
622 systems of a structure and how they interconnect.

623 (2) Tool and supply grants for public and private
624 educational providers that provide construction trade
625 education.

626 (3) Incentives for newly established construction trade
627 education courses, with priority given to carpentry courses.

628 (4) Adult education initiatives that provide continued
629 learning opportunities through mobile training facilities or
630 distance learning opportunities with priority focus on those
631 serving underserved areas and widely offered trainings.

632 (5) Any other proposal that in the opinion of the board
633 would address the need for construction trade education in the
634 state.

635 (h) An applicant may be a nonprofit organization,
636 not-for-profit entity, public school system, two-year college,
637 university, or other governmental entity. An applicant for
638 funding shall do all of the following:

639 (1) Demonstrate its capacity to successfully implement
640 the proposal.

641 (2) Demonstrate how the proposal shall positively
642 impact construction trade education in the state.

643 (3) Demonstrate private sector support through matching
644 funding.



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645 (4) Establish an advisory council consisting of at
646 least three active trade representatives from the construction
647 trade being funded.

648 (5) For a period of not less than five years, agree to
649 comply with the following conditions:

650 a. Offer the courses funded through this section for a
651 period of not less than five years.

652 b. Comply with all data collection and reporting
653 requirements established by the board.

654 (i) In determining which qualified projects to fund,
655 the board shall consider all of the following factors:

656 (1) The level of private sector support for the
657 project.

658 (2) The level of need in the area in which the funding
659 is directed.

660 (3) The projected number of students that will be
661 served.

662 (4) The degree to which the project will have a
663 positive impact on the availability of construction trade
664 education in the area to be served.

665 (5) The degree to which the project will leverage
666 public and private sector funds.

667 (j) The board shall establish program guidelines that
668 require matching funds on all funded projects. A minimum of 10
669 percent of matching funds shall be provided by private,
670 non-governmental sources. Total matching funds required may
671 not be required to exceed 25 percent of awarded state funds,
672 although additional consideration may be provided to projects



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673 that exceed this amount.

674 (k) In the event that a recipient of funding provided
675 by this section fails to provide the proposed project in
676 accordance with the guidelines set forth by the board, any
677 equipment, supplies, or materials acquired with the funding
678 shall be transferred to the Alabama Home Builders Foundation
679 for redistribution to public or private programs that provide
680 construction trade education to high school, postsecondary, or
681 adult learners supported by this section.

682 (l) Any and all proceeds from the sale of equipment,
683 supplies, or materials acquired through academy funding shall
684 go into the fund."

685 Section 4. Sections 34-14A-12.1 and 34-14A-12.2 are
686 added to the Code of Alabama 1975, to read as follows:

687 §34-14A-12.1

688 Beginning January 1, 2027, a residential home builder
689 within this state who constructs, renovates, or repairs a
690 residence or structure shall do so in accordance with the
691 Alabama Residential Building Code adopted pursuant to Section
692 34-14A-12 or, if applicable, the local jurisdiction's
693 residential building code.

694 §34-14A-12.2

695 (a) When a residential home builder completes
696 residential construction, renovation, or repair work or
697 activities for which a license is required by this chapter,
698 the homeowner shall provide to the insurance and mortgage
699 provider all code inspection reports, the certification of
700 occupancy, or if applicable, any executed waiver of code



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701 inspections signed by the homeowner and licensee, as provided
702 in Section 34-14A-7.

703 (b) After closing or receiving the certificate of
704 insurance, the homeowner, pursuant to policies established by
705 the board by rule, may apply for a rebate voucher for the
706 private code inspection of work performed by a licensee.

707 (c) (1) The board shall adopt rules to establish the
708 specific eligibility requirements and amount of rebate
709 voucher.

710 (2) A homeowner shall be ineligible for a rebate
711 voucher if the inspected residence or structure was subject to
712 a local jurisdiction's permitting and inspection program.

713 §34-14A-12.3

714 (a) Beginning on October 1, 2023, the Home Builders
715 Licensure Board and any municipal or county governing body may
716 not adopt or amend a building code, ordinance, resolution, or
717 rule that would restrict a consumer's ability to elect to
718 install, by the consumer's choice and for a fee, or require
719 the installation of, a residential fire sprinkler system in
720 any residence.

721 (b) Notwithstanding subsection (a), a county commission
722 or municipal governing body that adopted any ordinance,
723 resolution, or other building code on or before March 9, 2010,
724 relating to the installation of a residential fire sprinkler
725 system, may continue to enforce or amend the ordinance,
726 resolution, or building code.

727 Section 5. Article 2, commencing with Sections
728 34-14A-41, is added to Chapter 14A of Title 34, Code of



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729 Alabama 1975, to read as follows:

730 Article 2.

731 §34-14A-41

732 (a) (1) The Alabama Residential Building Code Division
733 is established within the Home Builders Licensure Board. The
734 executive director of the board may employ staff as necessary
735 to carry out the duties of the division.

736 (2) The board and the division's statutory
737 administration and enforcement obligations pursuant to this
738 chapter shall be contingent upon the appropriation of funding.

739 (b) The division shall be responsible for taking action
740 upon any and all recommendations made by the Alabama
741 Residential Building Code Advisory Council and ratified by the
742 board for the furtherance of its statutory purpose.

743 §34-14A-42

744 The executive director of the board may employ staff
745 necessary to carry out the duties of the division, including a
746 division administrator, programs support personnel,
747 administrative support personnel, and any other personnel
748 necessary to carry out the statutory purpose of the division
749 for the administration, implementation, and enforcement of the
750 Alabama Residential Building Code.

751 §34-14A-43

752 (a) The division shall use funds distributed to the
753 Alabama Residential Building Code Fund for the purpose of
754 administering and enforcing the Alabama Residential Building
755 Code.

756 (b) The division shall do all of the following:



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757 (1) Establish and administer a rebate voucher program
758 for homeowners to seek reimbursement for private code
759 inspections, where applicable, for work performed by
760 licensees.

761 (2) Provide funds to local jurisdictions to assist with
762 residential building code adoption and enforcement, including,
763 but not limited to, assisting with the development of local
764 government cooperatives for the permitting, inspection, and
765 enforcement of a residential building code in the respective
766 jurisdiction.

767 (3) Provide standards and certification requirements
768 for private code inspectors, including, but not limited to,
769 International Code Council certifications, licensed
770 architects, licensed structural engineers, and licensed home
771 builders.

772 (4) Provide incentives for and promote code inspectors
773 for local jurisdictions that do not have a residential
774 building permit and inspection program.

775 (c) The division may apply for funds from federal grant
776 programs and other applicable funding sources authorized by
777 law to support local adoption and implementation of the
778 Alabama Residential Building Code. The division may also
779 partner with other state agencies to receive and distribute
780 additional funds that may become available for this purpose.

781 (d) The division shall work with the State Energy
782 Office to ensure that all applicable federal regulations
783 regarding the residential energy code are met.

784 §34-14A-44



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785 (a) For those structures located outside of any local
786 jurisdiction that exercises its authority to adopt and enforce
787 a local building code, if the private code inspection has not
788 been conducted, the division shall authorize construction to
789 resume on the beginning of the following third business day
790 after a licensee has requested an inspection.

791 (b) The board shall establish a process of
792 documentation, which may include a self-reporting form,
793 electronic verification, photographic or video verification,
794 or any other method the board deem appropriate, that the home
795 builder shall perform and provide to the division and
796 inspector prior to resumption of construction.

797 §34-14A-45

798 (a) The Alabama Residential Building Code Fund is
799 established within the State Treasury. The fund shall be
800 administered by the board for the administration and operation
801 of the division and the enforcement of the Alabama Residential
802 Building Code.

803 (b) Receipts deposited into the fund shall be disbursed
804 only by warrants of the state Comptroller drawn upon the State
805 Treasury on itemized vouchers approved by the Executive
806 Director of the board.

807 (c) No funds shall be withdrawn or expended except as
808 budgeted and allotted according to Sections 41-4-80 to
809 41-4-96, Code of Alabama 1975, inclusive, and 41-19-1 to
810 41-19-12, Code of Alabama 1975, inclusive, and only in amounts
811 as stipulated in the general appropriations act, other
812 appropriation acts, or this section.



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813 (d) At the end of each fiscal year, any unencumbered
814 balance of up to 25 percent of the amount appropriated for
815 that fiscal year shall not revert to the State General Fund
816 under Section 41-4-93, but shall carry over to the next fiscal
817 year within the Alabama Residential Building Code Fund, and
818 any unencumbered balance over 25 percent of the amount
819 appropriated for that fiscal year shall be transferred to the
820 Strengthen Alabama Homes Fund.

821 Section 6. Article 6A, commencing of Section 41-9-175,
822 is added to Chapter 9 of Title 41, Code of Alabama 1975, to
823 read as follows:

824 Article 6A.

825 §41-9-175

826 (a) The Alabama Residential Building Code Advisory
827 Council is established.

828 (b) The council shall consist the following members:

829 (1) The Commissioner of Insurance, or his or her
830 designee.

831 (2) The State Fire Marshal, or his or her designee.

832 (3) The Director of the Emergency Management Agency, or
833 his or her designee.

834 (4) The Executive Director of the Home Builders
835 Licensure Board, or his or her designee.

836 (5) One member appointed by the Home Builders Licensure
837 Board.

838 (6) One member appointed by the State Board of Heating,
839 Air Conditioning, and Refrigeration Contractors.

840 (7) One member appointed by the Governor to represent



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841 the private, investor-owned, electric utility industry.

842 (8) One member appointed by the Lieutenant Governor to
843 represent the natural gas industry.

844 (9) One member appointed by the American Council of
845 Engineering Companies of Alabama.

846 (10) One member appointed by the Alabama League of
847 Municipalities.

848 (11) One member appointed by the Association of County
849 Commissions of Alabama.

850 (12) One member appointed by the Alabama Council of the
851 American Institute of Architects.

852 (13) One member appointed by the Home Builders
853 Association of Alabama.

854 (14) One member appointed by the Code Officials
855 Association of Alabama.

856 (15) One member appointed by the Commissioner of
857 Insurance to represent the property and casualty insurance
858 industry.

859 (16) One member appointed by the State of Alabama
860 Plumbers and Gas Fitters Examining Board.

861 (17) One member appointed by the Alabama Rural Electric
862 Association of Cooperatives to represent the rural electric
863 cooperative industry.

864 (c) The appointing authorities shall coordinate their
865 appointments to assure that membership of the council is
866 inclusive and reflects the racial, gender, geographic, urban,
867 rural, and economic diversity of the state.

868 (d) Each of the appointed members of the council shall



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869 be appointed for a six-year term, the term to begin on January
870 1, 2024, and may be reappointed for a second six-year term
871 pursuant to the appointing authority.

872 §41-9-175.01

873 (a) The first meeting of the council shall be called by
874 the executive director of the board no later than March 1,
875 2024. The executive director shall preside until a chair and a
876 vice chair are selected by the council. The council shall
877 elect annually from its own members a chair, a vice chair, and
878 other officers as it may deem desirable.

879 (b) The council shall hold meetings at the call of the
880 chair or the recommendation of the board, to propose a
881 recommended Alabama Residential Building Code to the Home
882 Builders Licensure Board. Thereafter, the board shall meet
883 from time to time, at the call of the chair or at the request
884 of the board, to consider updates and amendments to the code.
885 Meetings shall be held at a time and place as designated or
886 specified in its rules.

887 (c) A majority of the members of the council shall
888 constitute a quorum at all of its meetings, and adoption or
889 resolution of any business shall require the concurrence of a
890 majority of all the members of the council. An agenda for the
891 meetings in sufficient detail to indicate the terms on which
892 final action is contemplated shall be submitted by the
893 administrator to the chair, vice chair, and council members
894 prior to the meeting.

895 (d) All meetings of the council shall be held in
896 accordance with the Alabama Open Meetings Act, Chapter 25A of



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897 Title 36.

898 (e) The administrator of the Alabama Residential
899 Building Code Division shall serve as ex officio secretary of
900 the council, keep a record of the proceedings of all council
901 meetings, and perform other duties as may be directed by the
902 council.

903 (f) The council may establish committees among its
904 membership, as it deems necessary, to assist in the conduct of
905 its business.

906 §41-9-175.02

907 (a) By October 1, 2024, the council shall submit to the
908 Home Builders Licensure Board for adoption the proposed
909 Alabama Residential Building Code. The board may adopt or
910 amend the proposed minimum statewide residential building code
911 prior to adoption.

912 (b) The proposed Alabama Residential Building Code, and
913 any subsequent amendment to the code, shall be based upon a
914 published edition of the Alabama Energy and Residential Code
915 as adopted and amended from the International Residential Code
916 (IRC) and the International Energy Conservation Code (IECC).
917 Subsequent recommendations for adoptions or amendments to the
918 Alabama Residential Building Code shall be based upon
919 published editions of the IRC and IECC. In addition, the
920 council shall take into consideration provisions for sealed
921 roof decks and related roof construction standards contained
922 in either the Coastal Construction Code Supplement or the
923 Inland Construction Code Supplement as well as standards
924 related to energy efficiency pertaining to residential



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925 construction.

926 (c) The council shall make recommendations with respect
927 to all matters pertaining to the implementation of the Alabama
928 Residential Building Code.

929 (d) When adopted by the board, recommendations of the
930 council shall be administered by the division.

931 §41-9-175.03

932 (a) At the direction of the board, the council shall do
933 all the following:

934 (1) Propose to the board for consideration of adoption
935 of an Alabama Residential Building Code or amendments to the
936 code.

937 (2) Evaluate, assess, advise, and counsel the division
938 on the Alabama Residential Building Code and the impact of the
939 code upon the economy and the environment.

940 (3) Solicit and enlist the cooperation of all
941 appropriate private-sector and community-based organizations
942 to implement this article.

943 (4) Make continuing studies, evaluations, and surveys,
944 upon the request of the board, of the needs and impacts of the
945 Alabama Residential Building Code.

946 (5) Adopt rules for the conduct of the council
947 meetings, procedures, and execution of the purpose, functions,
948 powers, and duties delegated to it by this section.

949 (6) Conduct a program of public information in order to
950 inform the units of local government, residential home
951 builders, and the residents of the state on the importance of
952 the residential building code.



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953 (7) Recommend to the board qualifications and
954 certification for third party fee-based code inspectors.

955 Section 7. Sections 41-23-80, 41-23-81, 41-23-82,
956 41-23-84, and 41-23-85, Code of Alabama 1975, are amended to
957 read as follows:

958 "§41-23-80

959 The Legislature finds that the development, management,
960 efficient consumption, and conservation of ~~residential~~ energy
961 resources are of prime importance throughout this state and
962 this nation. It is also important to ensure the protection of
963 the economic and environmental values of Alabama's
964 ~~citizens~~residents. It is the intent of the Legislature to do
965 each of the following pursuant to this article:

966 (1) Encourage the conservation and efficient use of
967 ~~residential~~ energy resources within this state's counties and
968 municipalities.

969 (2) Provide a governmental environment that will
970 promote an initiative for the implementation of the ~~Alabama~~
971 ~~Energy and Residential Codes~~Alabama Commercial Energy Code by
972 the units of local government.

973 (3) Advise and assist ~~the~~ units of local government in
974 adopting the ~~Alabama Energy and Residential Codes~~Alabama
975 Commercial Energy Code and implementing those code provisions
976 within their boundaries.

977 (4) Promote the identification of energy management
978 technologies available for ~~residential~~commercial uses, and to
979 disseminate information to the units of local government about
980 such technologies and their uses.



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981 (5) Promote the acceptance and adoption of those energy
982 management technologies for use in all energy-consuming
983 ~~residential~~commercial facilities throughout this state.

984 (6) Provide a process for the adoption of modern
985 ~~building and~~ energy codes by the State of Alabama.

986 (7) Provide a process by which the State of Alabama
987 shall adopt required commercial codes in compliance with
988 federal law."

989 "§41-23-81

990 The following terms shall have the meanings
991 respectively prescribed for them, except when the context
992 otherwise requires:

993 (1) ~~ALABAMA ENERGY AND RESIDENTIAL CODES~~ALABAMA
994 COMMERCIAL ENERGY CODE. The codes adopted by the board, as
995 amended by the board, and based on the 2006 Edition of the
996 International Energy Conservation Code, and ANSI/ASHRAE/IESNA
997 Standard 90.1-2007 for commercial buildings, ~~and the 2006~~
998 ~~International Residential Code published by the International~~
999 ~~Code Council~~, or any subsequent editions, changes, or
1000 recom compilations thereof, or any other code which the board
1001 officially adopts.

1002 (2) BOARD. The Alabama ~~Energy and Residential~~
1003 ~~Codes~~Commercial Energy Code Board created by this article.

1004 (3) DEPARTMENT. The Alabama Department of Economic and
1005 Community Affairs.

1006 (4) DIVISION. The Energy Division of the Alabama
1007 Department of Economic and Community Affairs.

1008 (5) UNIT OF LOCAL GOVERNMENT. Any county or



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1009 municipality within the State of Alabama."

1010 "§41-23-82

1011 (a) The Alabama ~~Energy and Residential Codes~~Commercial
1012 Energy Code Board is established.

1013 (b) The board shall consist of ~~15~~13 members appointed
1014 by the Governor and two additional members, numbered ~~16~~14 and
1015 ~~17~~15, appointed by the Chair of the Permanent Joint
1016 Legislative Committee on Energy Policy. The members appointed
1017 by the Governor shall be legal residents of the state, and
1018 shall be selected on the basis of their representation of the
1019 following organizations, industries, entities, and
1020 professions:

1021 ~~(1) One member shall represent the Home Builders~~
1022 ~~Association.~~

1023 ~~(2)~~ (1) One member shall represent the Board of General
1024 Contractors.

1025 ~~(3)~~ (2) One member shall represent the State Board of
1026 Heating, Air Conditioning, and Refrigeration.

1027 ~~(4)~~ (3) One member shall represent the private,
1028 investor-owned, electric utility industry.

1029 ~~(5)~~ (4) One member shall represent the rural electric
1030 cooperative industry.

1031 ~~(6)~~ (5) One member shall represent the natural gas
1032 industry.

1033 ~~(7)~~ (6) One member shall be a licensed professional
1034 engineer.

1035 ~~(8)~~ (7) One member shall represent municipalities.

1036 ~~(9)~~ (8) One member shall represent county governments.



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1037 ~~(10)~~ (9) One member shall represent the Alabama Council,
1038 American Institute of Architects.

1039 ~~(11)~~ (10) One member shall represent the Alabama
1040 Liquefied Petroleum Gas Board.

1041 ~~(12)~~ (11) One member shall represent the International
1042 Code Council (ICC) Alabama Chapter, Code Officials Association
1043 of Alabama.

1044 ~~(13) One member shall represent the Home Builders~~
1045 ~~Licensure Board.~~

1046 ~~(14)~~ (12) One member shall represent the Alabama Joint
1047 Fire Council.

1048 ~~(15)~~ (13) One member shall represent the Property and
1049 Casualty Insurance Industry.

1050 ~~(16)~~ (14) One member shall be a Senate member of the
1051 Permanent Joint Legislative Committee on Energy Policy
1052 selected by the chair of the committee.

1053 ~~(17)~~ (15) One member shall be a House of Representatives
1054 member of the Permanent Joint Legislative Committee on Energy
1055 Policy selected by the chair of the committee.

1056 (c) Each member appointed by the Governor shall be
1057 selected from a list of three candidates provided to the
1058 Governor by the division from each entity listed above. Board
1059 appointees shall be selected on the basis of their interest in
1060 problems concerning ~~residential~~ commercial energy resources,
1061 consumption, and conservation, and without regard to political
1062 affiliation. Appointments shall be of such a nature as to aid
1063 the work of the board and to inspire the highest degree of
1064 coordination and cooperation. All members of the board shall



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1065 be deemed members at-large charged with the responsibility of
1066 serving the best interests of the board, the division, the
1067 units of local government, and the state. No member shall act
1068 as the representative of any particular region, United States
1069 congressional district in Alabama, or state Senate or
1070 legislative district in Alabama.

1071 (d) The board shall exercise authority with respect to
1072 all matters pertaining to the acceptance, adoption, and
1073 implementation of the Alabama ~~Energy and Residential~~
1074 ~~Codes~~Commercial Energy Code by the State of Alabama. Decisions
1075 of the board shall be administered by the chief of the
1076 division with the assistance of such other officers and
1077 department employees as are deemed necessary to carry out the
1078 purpose, functions, duties, and activities of the board.

1079 (e) The membership of the board shall be inclusive and
1080 should reflect the racial, gender, geographic,
1081 ~~urban/rural~~urban, rural, and economic diversity of the state.

1082 (f) This article shall not apply to the erection or
1083 construction of a farm structure. The term farm structure, for
1084 the purposes of this ~~act~~subsection, means a structure that is
1085 constructed on a farm, other than a residence or a structure
1086 attached to it, for use on the farm including, but not limited
1087 to, barns, sheds, and poultry houses. A farm structure does
1088 not include a structure originally qualifying as a farm
1089 structure but later converted to another use."

1090 "§41-23-84

1091 (a) The first meeting of the board shall be called by
1092 the chief of the division as soon as is practicable after July



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1093 31, 1995. The division chief shall preside until a chair and a
1094 vice chair are selected by the board. The board shall elect
1095 annually from its own members a chair, a vice chair, and such
1096 other officers as it may deem desirable, and shall adopt rules
1097 for its organization in the conduct of its business.

1098 (b) The board shall hold a regular meeting at least
1099 once during each calendar year at a time and place as
1100 designated or specified in its rules. Special or additional
1101 meetings may be held on a call of the chair, upon a call
1102 signed by at least seven members, or upon a call by the
1103 division chief.

1104 (c) A majority of the members of the board shall
1105 constitute a quorum at all its meetings, and adoption or
1106 resolution of any business shall require the concurrence of a
1107 majority of all the members of the board. An agenda for the
1108 meetings in sufficient detail to indicate the terms on which
1109 final action is contemplated shall be ~~mailed~~provided by the
1110 division chief to the chair, vice chair, and board members ~~at~~
1111 ~~least 30 days~~ prior to the meeting.

1112 (d) The division chief shall serve as ex officio
1113 secretary of the board, and shall keep a record of the
1114 proceedings of all board meetings, ~~and~~ perform ~~such~~ other
1115 duties as may be delegated by the board. The division chief
1116 shall not receive any additional compensation for the
1117 performance of those duties on the board or pursuant to this
1118 article.

1119 (e) The board may establish committees among its
1120 membership, ~~as it deems necessary,~~ to assist in the conduct of



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1121 its business. Subcommittees shall include representation from
1122 suppliers or others interested in the subject matter assigned
1123 to the subcommittees, or both.

1124 (f) All meetings of the board shall be held in
1125 accordance with the Alabama Open Meetings Act, Chapter 25A of
1126 Title 36."

1127 "§41-23-85

1128 (a) The board shall exercise authority with respect to
1129 all matters pertaining to the acceptance and adoption, and
1130 implementation of the Alabama ~~Energy and Residential Codes~~
1131 Commercial Energy Code by the State of Alabama. In so doing,
1132 the board may perform any of the following functions:

1133 (1) Review, amend, and adopt the Alabama ~~Energy and~~
1134 ~~Residential Codes~~Commercial Energy Code. The board shall
1135 consider updates and changes to the codes referenced herein no
1136 less than two years after the date of publication of the most
1137 recent version of the codes.

1138 (2) Evaluate, assess, advise, and counsel the division
1139 and the units of local government, on residential energy codes
1140 and the impact of those codes upon the economy and the
1141 environment.

1142 (3) Solicit and enlist the cooperation of all
1143 appropriate private-sector and community-based organizations
1144 to implement the purpose of this article.

1145 (4) Make recommendations to the division for the
1146 enactment of additional legislation as it deems necessary
1147 which proposes to further enhance the capabilities of the
1148 state and the units of local government in accepting,



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1149 adopting, and implementing the Alabama ~~Energy and Residential~~
1150 ~~Codes~~Commercial Energy Code, and in meeting the need for
1151 increasing residential energy resources and conservation due
1152 to trends in residential population and the change in
1153 technical requirements of the economy.

1154 (5) Make continuing studies, on its own initiative or
1155 upon the request of the division, of the residential energy
1156 resources, conservation, and consumption needs throughout the
1157 state, and issue those reports to the division and to the
1158 units of local government as may result from its studies.

1159 (6) Submit to the chief of the division, on an annual
1160 basis, a written report covering the activities of the board.

1161 (7) Make rules and regulations for the conduct of its
1162 board meetings, procedures, and execution of the purpose,
1163 functions, powers, and duties delegated to it by this article.

1164 (8) Conduct a program of public information in order to
1165 inform the units of local government and the ~~citizens~~residents
1166 of the state on the importance of ~~residential and~~commercial
1167 energy codes, conservation, and consumption.

1168 (9) Identify any and all resources needed or required
1169 for the board to implement the purpose, functions, powers, and
1170 duties of this article.

1171 (b) The division shall be responsible for taking action
1172 upon any and all recommendations to which the board may from
1173 time to time submit.

1174 (c) (1) Except as provided in this section, any code
1175 adopted by any state or county entity or agency after March 9,
1176 2010, shall not conflict with the codes adopted by the board.



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1177 A county entity or agency may elect to amend the Alabama
1178 ~~Energy and Residential Codes~~Commercial Energy Code as local
1179 conditions require, but shall not make any amendment to
1180 mandate residential fire sprinklers or to provisions which are
1181 mandated or required by any federal law or federal regulation.

1182 (2) As of March 9, 2010, any municipality ~~which~~ that
1183 does not have a code in effect adopted pursuant to Section
1184 11-45-8 shall not adopt any energy or residential code other
1185 than the Alabama Energy and Residential Codes adopted by the
1186 board or any newer versions thereof. Provided, however, a
1187 municipality may elect to amend the Alabama ~~Energy and~~
1188 ~~Residential Codes~~Commercial Energy Code as local conditions
1189 require, but shall not make any amendment to mandate
1190 residential fire sprinklers or to provisions which are
1191 mandated or required by any federal law or federal regulation.

1192 (3) ~~Except as provided in subsection (d), nothing~~
1193 Nothing contained in this article shall apply to any
1194 municipality with a code adopted pursuant to Section 11-45-8
1195 in effect as of March 9, 2010, nor shall ~~it~~ anything in this
1196 article prevent any such municipality from making any changes
1197 or amendments to existing codes after March 9, 2010. Provided,
1198 however, that a municipality shall not make any amendment to
1199 provisions which are mandated by any federal law or federal
1200 regulation.

1201 ~~(d) A municipal, county, or state governing entity or~~
1202 ~~agency may not enact an ordinance, rule, bylaw, order,~~
1203 ~~building code, or other legal device that would restrict a~~
1204 ~~consumer's ability to elect to install, by the consumer's~~



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1205 ~~choice and for a fee, a residential fire sprinkler system in~~
1206 ~~any new or existing one-family or two-family dwelling. A~~
1207 ~~municipal, county, or state governing entity or agency may not~~
1208 ~~enact an ordinance, rule, bylaw, order, building code, or~~
1209 ~~other legal device that would require the installation of a~~
1210 ~~residential fire sprinkler system in any new or existing~~
1211 ~~one-family or two-family dwelling. Provided, however, all~~
1212 ~~municipalities governed by subdivision (3) of subsection (c)~~
1213 ~~which have enacted any ordinance, rule, bylaw, order, building~~
1214 ~~code, or other legal device as of March 9, 2010, relating to~~
1215 ~~the installation of a residential fire sprinkler system may~~
1216 ~~continue to enforce or amend such ordinance, rule, bylaw,~~
1217 ~~order, building code, or other legal device."~~

1218 Section 8. (a) A local building code adopted or
1219 amended by any county or municipality after October 1, 2023,
1220 shall meet the minimum standards of the Alabama Residential
1221 Building Code in effect at the time of the local building code
1222 adoption or amendment and shall not exceed the energy
1223 provisions of the Alabama Residential Building Code, unless
1224 compliance with any federal mandate requires such adoption or
1225 amendment.

1226 (b) A county commission or municipality shall provide
1227 to the board a copy of any resolution, ordinance, or agreement
1228 adopted pursuant to Section 11-40-10(b)(2), Code of Alabama
1229 1975, within 10 business days of its adoption.

1230 Section 9. This act shall become effective on October
1231 1, 2023, following its passage and approval by the Governor,
1232 or its otherwise becoming law.