

**ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS
ALABAMA ENERGY AND RESIDENTIAL CODES BOARD
ADMINISTRATIVE CODE**

**CHAPTER 305-2-4
ORGANIZATION AND AUTHORITY**

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305-2-4.01 **Creation And Purpose.** The Residential Energy Codes Board of Alabama was originally created under the Alabama Department of Economic and Community Affairs' area of responsibility. Governor Fob James signed Act 95-537 creating the Board for the purpose of promoting and overseeing the implementation of the Model Energy Code by encouraging the conservation and efficient use of residential energy resources within this state's local jurisdictions; encouraging and promoting the acceptance, adoption and implementation of residential model energy codes; advising and assisting local governments in adopting and implementing those model energy codes and identifying and promoting energy management technologies. In 2010 Governor Bob Riley signed Act 2010-185 increasing the representation of Board members and renaming the Board the Alabama Energy and Residential Codes Board (Board), and expanding the Board's authority with respect to all matters pertaining to the acceptance, adoption and implementation of commercial and residential energy codes and residential building codes by municipal and county governments in the state. These acts as amended are codified in Title 41, Chapter 23, Article 5 of the Code of Ala. 1975.

Author: Karen Clifton

Statutory Authority: Code of Ala. 1975, §§41-23-80 through 85, as amended.

History: New Rule: Filed April 5, 2012; effective May 10, 2012.

305-2-4-.02 Organization And Administration. The Alabama Energy and Residential Codes Board is a seventeen member board established to carry out the provisions of the Code of Ala. 1975, §§41-23-80 through 85, as amended. The Alabama Energy and Residential Codes Board is administered by the Energy Division of the Alabama Department of Economic and Community Affairs.

Authors: Karen Clifton, Heather Goggin

Statutory Authority: Code of Ala. 1975, §§41-23-82, as amended.

History: New Rule: Filed April 5, 2012; effective May 10, 2012.

Amended: Filed April 20, 2017; effective June 4, 2017.

305-2-4-.03 Officers.

(1) The Board shall elect from its members a Chairman and a Vice Chairman.

(2) The term of office for an officer of the Board shall be two years.

(3) An officer of the Board may serve two consecutive full terms in each elected office.

(4) The duties of the officers shall be as follows:

(a) The chairman shall preside at meetings of the Board and shall appoint members to serve on committees not defined by statute.

(b) The vice chairman shall preside in the absence of the chairman and shall assume the duties of the chairman when necessary.

Author: Heather Goggin

Statutory Authority: Code of Ala. 1975, §§41-23-82, as amended.

History: New Rule: Filed April 5, 2012; effective May 10, 2012.

Repealed and New Rule: Filed April 20, 2017; effective June 4, 2017.

305-2-4-.04 Subcommittees. The Board shall include at least three subcommittees.

(1) Building Subcommittee: This committee shall review all proposals related to the International Residential Code, except for those relating to Chapter 11, Energy Efficiency. Each subcommittee shall have a chairman to be appointed by the Board Chairman. The makeup of this subcommittee shall include the Board members representing the following organizations:

1. Alabama Board of General Contractors
2. Alabama Joint Fire Council
3. County governments
4. Home Builders Association of Alabama
5. Home Builders Licensure Board
6. House of Representatives member of the Permanent Joint Legislative Committee on Energy Policy
7. International Code Council (ICC) Alabama Chapter, Code Officials Association of Alabama
8. Municipalities
9. Property and Casualty Insurance Industry
10. Senate member of the Permanent Joint Legislative Committee on Energy Policy
11. Up to five at-large members

(2) Energy Subcommittee: This committee shall review all proposals related to the International Energy Efficiency Code. The makeup of this subcommittee shall include the Board members representing the following organizations:

1. Alabama Board of Heating, Air Conditioning, and Refrigeration
2. Alabama Council, American Institute of Architects
3. Alabama Liquefied Petroleum Gas Board
4. House of Representatives member of the Permanent Joint Legislative Committee on Energy Policy
5. International Code Council (ICC) Alabama Chapter, Code Officials Association of Alabama

6. Licensed professional engineers
7. Natural gas industry
8. Private, investor-owned, electric utility industry
9. Rural electric cooperative industry
10. Senate member of the Permanent Joint Legislative Committee on Energy Policy
11. Up to five at-large members

(3) At-large members shall be appointed by a committee to include the Board Chairman, the Board Vice Chairman, an ADECA Energy Division representative, the Building Subcommittee Chairman, and the Energy Subcommittee Chairman.

(4) Persons interested in filling an at-large position may complete the At-Large Nomination Form (Appendix A) when open positions are announced.

(5) At-large appointments shall be for the duration of one year, with the exception of the initial appointments, which shall have staggered end dates to ensure consistency.

(6) With the exception of the House of Representatives, the Alabama Senate, and the International Code Council, Alabama Chapter, no organization or industry may have more than one representative per subcommittee. No organization with a representative on a subcommittee may fill an at-large position.

Author: Heather Goggin

Statutory Authority: Code of Ala. 1975, §§41-23-85, as amended.

History: New Rule: Filed April 5, 2012; effective May 10, 2012.

Repealed and New Rule: Filed April 20, 2017; effective June 4, 2017.

305-2-4-.05 Promulgation Of Rules And Regulations. The Board shall have the power to make rules and regulations for the conduct of its board meetings, procedures, and execution of the purpose, functions, powers, and duties delegated to it by the Code of Ala. 1975, Section 41-23-85. Rulemaking proceedings shall be in accordance with Code of Ala. 1975, Section 41-22-5.

Author: Karen Clifton

Statutory Authority: Code of Ala. 1975, §§41-23-85, as amended.

History: New Rule: Filed April 5, 2012; effective May 10, 2012.

305-2-4-.06 Petition For Adoption Or Amendment Of Code(s). Any person who wishes to petition the Alabama Energy and Residential Codes Board to adopt, amend, or repeal any code shall submit said petition to the Energy Division of the Alabama Department of Economic and Community Affairs, P.O. Box 5690, Montgomery, Alabama 36103-5690 in the following form:

PETITION FOR ADOPTION OR AMENDMENT OF CODE(S)

1. Petitioner

Name: _____
Jurisdiction: (If applicable) _____
Address: _____
Phone: _____

2. Character of Change

I propose that the Alabama Energy and Residential Codes Board:

- A. Adopt the following new code.
- B. Amend Code _____ as follows.
- C. Repeal Code _____ in total.

3. Text of Proposed Code

- If you checked box "A" above, provide a typed copy of the code you propose.
- If you checked box "B" above, provide a typed copy of the existing code, adding any proposed language. Proposed new language should be underlined and proposed deletions should be stricken through.
- If you checked box "C" above, skip this and go to Part 4.

4. Purpose of Change

Briefly describe what the effect of this change will be, and why you believe the change should be made. Show the financial impact this change will have upon the public, how the impact figures were determined and the advantages and/or disadvantages of the proposed change and what effects the proposed change would have on existing energy, life, health or safety codes.

5. Signature

Petitioner

Date

The Board shall consider the petition, and shall within ninety (90) days after review of the petition, either deny the petition in writing on the merits, stating its reasons for the denial, or initiate rule-making proceedings in accordance with, Code of Ala. 1975, Section 41-22-5.

Author: Karen Clifton

Statutory Authority: Code of Ala. 1975, §§41-23-82, as amended.

History: New Rule: Filed April 5, 2012; effective May 10, 2012.