

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-78
HOUSE BILL 674

AN ACT TO ALLOW A FEDERALLY RECOGNIZED INDIAN TRIBE TO
PERFORM BUILDING INSPECTIONS AND TO ALLOW CERTIFICATION
AND LICENSE REGULATION OF BUILDING INSPECTORS ON TRIBAL
LANDS OF FEDERALLY RECOGNIZED INDIAN TRIBES.

The General Assembly of North Carolina enacts:

Section 1. Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-350.1. Tribal lands.

As used in this Part, the term:

- (1) 'Board of commissioners' includes the Tribal Council of such tribe.
- (2) 'County' or 'counties' also means a federally recognized Indian Tribe, and as to such tribe includes lands held in trust for the tribe."

Section 2. G.S. 143-151.8 reads as rewritten:

"§ 143-151.8. Definitions.

(a) As used in this Article, unless the context otherwise requires:

- (1) 'Board' means the North Carolina Code Officials Qualification Board.
- (2) 'Code' means the North Carolina State Building Code and related local building rules approved by the Building Code Council heretofore or hereinafter enacted, adopted or approved pursuant to ~~G.S. 143-138.~~ G.S. 143-138, and any resolution adopted by a federally recognized Indian Tribe under G.S. 153A-350.1 in which the Tribe adopts the North Carolina State Building Code and related local building rules.
- (3) 'Code enforcement' means the examination and approval of plans and specifications, or the inspection of the manner of construction, workmanship, and materials for construction of buildings and structures and components thereof, or the enforcement of fire code regulations as an employee of the State or local government or as an employee of a federally recognized Indian Tribe employed to perform inspections on tribal lands under G.S. 153A-350.1, or other individual contracting with the State or a local government or a federally recognized Indian Tribe who performs inspections on tribal lands under G.S. 153A-350.1 to conduct inspections, except an employee of the State Department of Labor engaged in the administration and enforcement of those sections of the Code which pertain to boilers and

elevators, to assure compliance with the State Building Code and related local building rules.

- (4) 'Local inspection department' means the agency or agencies of local ~~government~~ government, or any government agency of a federally recognized Indian Tribe under G.S. 153A-350.1, with authority to make inspections of buildings and to enforce the Code and other laws, ordinances, and rules enacted by the State and the local government or a federally recognized Indian Tribe under G.S. 153A-350.1, which establish standards and requirements applicable to the construction, alteration, repair, or demolition of buildings, and conditions that may create hazards of fire, explosion, or related hazards.
- (5) 'Qualified Code-enforcement official' means a person qualified under this Article to engage in the practice of Code enforcement.

(b) For purposes of this Article, the population of a city or county shall be determined according to the most current federal census, unless otherwise specified."

Section 3. G.S. 143-151.12(3) reads as rewritten:

"(3) Certify persons as being qualified under the provisions of this Article to be Code-enforcement ~~officials~~; officials, including persons employed by a federally recognized Indian Tribe to perform inspections on tribal lands under G.S. 153A-350.1;"

Section 4. G.S. 143-151.15 reads as rewritten:

"§ 143-151.15. Return of certificate to Board; reissuance by Board.

A certificate issued by the Board under this Article is valid as long as the person certified is employed by the State of North Carolina or any political subdivision thereof as a Code-enforcement ~~official~~. official, or is employed by a federally recognized Indian Tribe to perform inspections on tribal lands under G.S. 153A-350.1 as a Code-enforcement official. When the person certified leaves that employment for any reason, he shall return the certificate to the Board. If the person subsequently obtains employment as a Code-enforcement official in any governmental jurisdiction described above, the Board may reissue the certificate to him. The provisions of G.S. 143-151.16(b) relating to renewal fees and late renewals shall apply, if appropriate. The provisions of G.S. 143-151.16(c) shall not apply. This section does not affect the Board's powers under G.S. 143-151.17."

Section 5. G.S. 143-151.17 reads as rewritten:

"§ 143-151.17. Grounds for disciplinary actions; investigation; administrative procedures.

(a) The Board shall have the power to suspend, revoke or refuse to grant any certificate issued under the provisions of this Article to any person who:

- (1) Has been convicted of a felony against this State or the United States, or convicted of a felony in another state that would also be a felony if it had been committed in this State;
- (2) Has obtained certification through fraud, deceit, or perjury;
- (3) Has knowingly aided or abetted any person practicing contrary to the provisions of this Article or the State Building ~~Code~~; Code or any

building codes adopted by a federally recognized Indian Tribe under G.S. 153A-350.1;

- (4) Has defrauded the public or attempted to do so;
- (5) Has affixed his signature to a report of inspection or other instrument of service if no inspection has been made by him or under his immediate and responsible direction; or,
- (6) Has been guilty of willful misconduct, gross negligence or gross incompetence.

(b) The Board may investigate the actions of any qualified Code-enforcement official or applicant upon the verified complaint in writing of any person alleging a violation of subsection (a). The Board may suspend or revoke the certification of any qualified Code-enforcement official and refuse to grant a certificate to any applicant, whom it finds to have been guilty of one or more of the actions set out in subsection (a) as grounds for disciplinary action.

(c) A denial, suspension, or revocation of a certificate issued under this Article shall be made in accordance with Chapter 150B of the General Statutes.

(d) The Board may deny an application for a certificate for any of the grounds that are described in subsection (a) of this section. Within 30 days after receipt of a notification that an application for a certificate has been denied, the applicant may make a written request for a review by a committee designated by the chairman of the Board to determine the reasonableness of the Board's action. The review shall be completed without undue delay, and the applicant shall be notified promptly in writing as to the outcome of the review. Within 30 days after service of the notification as to the outcome, the applicant may make a written request for a hearing under Article 3A of Chapter 150B of the General Statutes if the applicant disagrees with the outcome.

(e) The provisions of this section shall apply to Code-enforcement officials and applicants who are employed or seek to be employed by a federally recognized Indian Tribe to perform inspections on tribal lands under G.S. 153A-350.1."

Section 6. Session Law 1998-21 is repealed.

Section 7. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 13th day of May, 1999.

s/ Dennis A. Wicker
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 3:56 p.m. this 21st day of May, 1999