

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SESSION LAW 2009-474
SENATE BILL 425

AN ACT TO STREAMLINE THE PLAN REVIEW AND INSPECTION PROCESS FOR STATE BUILDINGS BY TRANSFERRING THE AUTHORITY FOR BUILDING CODE ENFORCEMENT WITH RESPECT TO STATE BUILDINGS FROM THE DEPARTMENT OF INSURANCE TO THE DEPARTMENT OF ADMINISTRATION; BY TRANSFERRING FOUR CODE ENFORCEMENT POSITIONS FROM THE DEPARTMENT OF INSURANCE TO THE DEPARTMENT OF ADMINISTRATION; BY CREATING FOUR CODE ENFORCEMENT POSITIONS IN THE DEPARTMENT OF ADMINISTRATION; AND TO CONTINUE THE SECRETARY OF ADMINISTRATION'S AUTHORITY TO APPOINT MEMBERS TO THE BOARD OF AWARDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-31-40 reads as rewritten:

"§ 58-31-40. Commissioner to inspect State ~~property; plans submitted.~~property.

(a) The Commissioner shall, at least once every year or more often if the Commissioner considers it necessary, visit, inspect, and thoroughly examine every State property to analyze and determine its protection from fire, including the property's occupants or contents. The Commissioner shall notify in writing the agency or official in charge of the property of any defect noted by the Commissioner or any improvement considered by the Commissioner to be ~~necessary.~~necessary, and a copy of that notice shall be forwarded by the Commissioner to the Department of Administration.

(b) ~~No agency or other person authorized or directed by law to select a plan and erect a building for the use of the State or any State institution shall receive and approve of the plan until it is submitted to and approved by the Commissioner as to the safety of the proposed building from fire, including the property's occupants or contents. No agency or person authorized or directed by law to select a plan or erect a building comprising 20,000 square feet or more for the use of any county, city, or school district shall receive and approve of the plan until it is submitted to and approved by the Commissioner as to the safety of the proposed building from fire, including the property's occupants or contents.~~

(c) ~~The Commissioner shall review a plan subject to subsection (b) of this section within 30 days of submission, provided that the Commissioner may require one additional 30-day extension if necessary to complete the review. If the Commissioner has neither approved nor denied the plan during the initial 30-day review period, the owner may proceed with the building site preparation, the building foundation, and any structural components of the building that are not subject to inspection for the purposes set forth in subsection (b) of this section. If the Commissioner has neither approved nor denied the plan within 60 days of submission, the owner may request review and final approval under subsection (b) of this section by the Department of Administration, State Construction Office, pursuant to rules adopted under G.S. 143-135.26."~~

SECTION 2. Part 1 of Article 36 of Chapter 143 of the General Statutes is amended by adding a new section to read:



"§ 143-345.11. Secretary's approval of plans for State buildings required.

(a) No agency or other person authorized or directed by law to select a plan and erect a building for the use of the State or any State institution shall receive and approve of the plan until it is submitted to and approved by the Secretary as to State construction standards and at a minimum as to the safety of the proposed building from fire, including the property's occupants or contents.

(b) Any plan submitted to the Commissioner of Insurance and approved prior to the effective date of this section shall be deemed to have been approved jointly by the Commissioner of Insurance and the Secretary.

(c) Except as provided in subsection (a) of this section, nothing in this section shall be construed to abrogate the authority of the Commissioner of Insurance under G.S. 58-31-40 or any other provision of law.

(d) The Secretary shall provide quarterly written reports on plans reviewed and approved under this section to the Commissioner of Insurance. The reports shall be made in a form approved by the Commissioner of Insurance and the Secretary."

SECTION 3. G.S. 143-139(b) reads as rewritten:

"(b) General Building Regulations. – The Insurance Commissioner shall have general supervision, through the Division of Engineering of the Department of Insurance, of the administration and enforcement of all sections of the North Carolina State Building Code pertaining to plumbing, electrical systems, general building restrictions and regulations, heating and air conditioning, fire protection, and the construction of buildings generally, except those sections of the Code, the enforcement of which is specifically allocated to other agencies by subsections (c) ~~and (d)~~ through (e) below. The Insurance Commissioner, by means of the Division of Engineering, shall exercise his duties in the enforcement of the North Carolina State Building Code (including local building codes which have superseded the State Building Code in a particular political subdivision pursuant to G.S. 143-138(e)) in cooperation with local officials and local inspectors duly appointed by the governing body of any municipality or board of county commissioners pursuant to Part 5 of Article 19 of Chapter 160A of the General Statutes or Part 4 of Article 18 of Chapter 153A of the General Statutes, or any other applicable statutory authority."

SECTION 4. G.S. 143-139 is amended by adding a new subsection to read:

"(e) State Buildings. – With respect to State buildings, the Department of Administration shall have general supervision, through the Office of State Construction, of the administration and enforcement of all sections of the North Carolina State Building Code pertaining to plumbing, electrical systems, general building restrictions and regulations, heating and air conditioning, fire protection, and the construction of buildings generally, except those sections of the Code the enforcement of which is specifically allocated to other agencies by subsections (c) and (d) of this section, and shall also exercise all remedies as provided in subsection (b1) of this section. The Department of Administration shall be the only agency with the authority to seek remedies pursuant to this section with respect to State buildings. Except as provided herein, nothing in this subsection shall be construed to abrogate the authority of the Commissioner of Insurance under G.S. 58-31-40 or any other provision of law."

SECTION 5. G.S. 143-341(3)d. reads as rewritten:

"d. To supervise and inspect all work done and materials used in the construction or renovation of all State buildings and all community college buildings whose plans and specifications must be examined and approved under a.2. of this subdivision; to act as the appropriate official inspector or inspection department for purposes of G.S. 143-143.2; and no such work may be accepted by the State or by any State agency until it has been approved by the Department."

SECTION 6. The North Carolina Code Officials Qualification Board shall issue a Level III standard certificate for the exercise of duties pursuant to G.S. 143-341(3) to any person who (i) was employed by the Department of Administration on the day this act became effective; (ii) successfully completes a course, developed pursuant to this section, relating to the State Building Code regulations and Code-enforcement administration; (iii) successfully completes all examinations required by the North Carolina Code Officials Qualification Board; and (iv) possesses a valid license to practice as an architect, registered pursuant to Chapter 83A of the General Statutes, or a professional engineer, registered pursuant to Chapter 89C of the General Statutes. The North Carolina Code Officials Qualification Board, in consultation with the Departments of Administration and Insurance, shall develop an expedited course of training on State Building Code regulations and Code-enforcement administration to facilitate persons obtaining Level III standard certification in accordance with this section.

SECTION 7. The Department of Insurance shall transfer to the Department of Administration four building code review positions selected by the Department of Administration for the purpose of assisting the Department of Administration in administering G.S. 143-341(3) and G.S. 143-139(e). These positions shall be supported by the Insurance Regulatory Fund at one hundred percent (100%) of the full budgeted amount for each position from fiscal year 2009-2010 through fiscal year 2011-2012. Beginning fiscal year 2012-2013, the State Treasurer, as custodian of the State Property Fire Insurance Fund, shall support those positions out of the State Property Fire Insurance Fund.

SECTION 8. There are established within the Department of Administration four new Engineering/Architectural Technician – Advanced positions at a budgeted amount of sixty-nine thousand eight hundred sixty-two dollars (\$69,862) each for the purpose of assisting the Department in administering G.S. 143-341(3) and G.S. 143-139(e). These positions shall be supported by the Insurance Regulatory Fund.

SECTION 9. Section 2 of S.L. 2007-169, as amended by Section 45 of S.L. 2008-187, reads as rewritten:

"**SECTION 2.** Notwithstanding G.S. 143-52.1 and S.L. 2006-203, through June 30, ~~2009,2011~~, the members of the Advisory Budget Commission in office on June 30, 2007, shall continue to be eligible for appointment to the Board of Awards, and vacancies may be filled by the appointing authority. Through June 30, ~~2009,2011~~, the Secretary of Administration shall appoint the Board of Awards from among those eligible."

SECTION 10. Sections 1 through 8 of this act become effective October 1, 2009. Section 9 of this act becomes effective June 30, 2009. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 11th day of August, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 1:13 p.m. this 26th day of August, 2009