

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

H

D

HOUSE DRH50187-LT-52 (3/9)

Short Title: Code Officials Professionalism.-AB

(Public)

---

Sponsors: Representative Holliman.

---

Referred to:

---

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR  
2 CODE-ENFORCEMENT OFFICIALS, TO AUTHORIZE THE USE OF FUNDS  
3 FROM THE INSURANCE REGULATORY FUND FOR PROFESSIONAL  
4 DEVELOPMENT OF CODE-ENFORCEMENT OFFICIALS, AND TO  
5 APPROPRIATE FUNDS FROM THE INSURANCE REGULATORY FUND FOR  
6 THAT PURPOSE.  
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Article 9C of Chapter 53 of the General Statutes is amended  
10 by adding a new section to read:

11 **"§ 143-151.13A. Professional development program for officials.**

12 (a) As used in this section, "official" means a qualified Code-enforcement  
13 official as that term is defined in G.S. 143-151.8.

14 (b) The Board may establish professional development requirements for officials  
15 as a condition of the renewal or reactivation of their certificates. The purposes of these  
16 professional development requirements are to assist officials in maintaining professional  
17 competence in their enforcement of the Code and to assure the health, safety, and  
18 welfare of the citizens of North Carolina. An official subject to this section shall present  
19 evidence to the Board at each certificate renewal after initial certification, that during  
20 the 12 months before the certificate expiration date, the official has completed the  
21 required number of credit hours in courses approved by the Board. Annual continuing  
22 education hour requirements shall be determined by the Board but shall not be more  
23 than six credit hours.

24 (c) The Board may require an individual who earns a certificate under programs  
25 established in G.S. 143-151.13 to complete professional development courses, not to  
26 exceed six hours in each technical area of certification, within one year after that  
27 individual is first employed by a city or county inspection department.

1       (d) As a condition of reactivating a standard or limited certificate, the Board may  
2 require the completion of professional development courses within one year after  
3 reemployment as an official as follows:

4           (1) An individual who has been on inactive status for more than two years  
5 and who has not been continuously employed by a city or county  
6 inspection department during the period of inactive status shall  
7 complete professional development courses not to exceed 12 hours for  
8 each technical area in which the individual is certified.

9           (2) An individual who has been on inactive status for more than two years  
10 and who has been continuously employed by a city or county  
11 inspection department during the period of inactive status shall  
12 complete professional development courses not to exceed six hours for  
13 each technical area in which the individual is certified.

14           (3) An individual who has been on inactive status for two years or less and  
15 who has been continuously employed by a city or county inspection  
16 department during the period of inactive status shall complete  
17 professional development courses not to exceed four hours for each  
18 technical area in which the individual is certified.

19       (e) The Board may, for good cause shown, grant extensions of time to officials to  
20 comply with these requirements. An official who, after obtaining an extension under  
21 this subsection, offers evidence satisfactory to the Board that the official has  
22 satisfactorily completed the required professional development courses, is in  
23 compliance with this section.

24       (f) The Board may adopt rules to give purpose and effect to the professional  
25 development requirements, including rules that govern:

26           (1) The content and subject matter of professional development courses.

27           (2) The criteria, standards, and procedures for the approval of courses,  
28 course sponsors, and course instructors.

29           (3) The methods of instruction.

30           (4) The computation of course credit.

31           (5) The ability to carry forward course credit from one year to another.

32           (6) The waiver of or variance from the professional development required  
33 for hardship or other reasons.

34           (7) The procedures for compliance and sanctions for noncompliance."

35       **SECTION 2.** G.S. 58-6-25(d) reads as rewritten:

36       "(d) Use of Proceeds. – The Insurance Regulatory Fund is created in the State  
37 treasury, under the control of the Office of State Budget and Management. The proceeds  
38 of the charge levied in this section and all fees collected under Articles 69 through 71 of  
39 this Chapter and under Articles 9 and 9C of Chapter 143 of the General Statutes shall be  
40 credited to the Fund. The Fund shall be placed in an interest-bearing account and any  
41 interest or other income derived from the Fund shall be credited to the Fund. Moneys in  
42 the Fund may be spent only pursuant to appropriation by the General Assembly and in  
43 accordance with the line item budget enacted by the General Assembly. The Fund is  
44 subject to the provisions of the Executive Budget Act, except that no unexpended

1 surplus of the Fund shall revert to the General Fund. All money credited to the Fund  
2 shall be used to reimburse the General Fund for the following:

- 3 (1) Money appropriated to the Department of Insurance to pay its  
4 expenses incurred in regulating the insurance industry and other  
5 industries in this State.
- 6 (2) Money appropriated to State agencies to pay the expenses incurred in  
7 regulating the insurance industry, in certifying statewide data  
8 processors under Article 11A of Chapter 131E of the General Statutes,  
9 and in purchasing reports of patient data from statewide data  
10 processors certified under that Article.
- 11 (3) Money appropriated to the Department of Revenue to pay the expenses  
12 incurred in collecting and administering the taxes on insurance  
13 companies levied in Article 8B of Chapter 105 of the General Statutes.
- 14 (4) Money appropriated for the office of Managed Care Patient Assistance  
15 Program established under G.S. 143-730 to pay the actual costs of  
16 administering the program.
- 17 (5) Money appropriated to the Department of Insurance for the  
18 implementation and administration of independent external review  
19 procedures required by Part 4 of Article 50 of this Chapter.
- 20 (6) Money appropriated to the Department of Justice to pay its expenses  
21 incurred in representing the Department of Insurance in its regulation  
22 of the insurance industry and other related programs and industries in  
23 this State that fall under the jurisdiction of the Department of  
24 Insurance.
- 25 (7) Money appropriated to the Department of Insurance to pay its  
26 expenses incurred in connection with providing staff support for State  
27 boards and commissions, including the North Carolina Manufactured  
28 Housing Board, State Fire and Rescue Commission, North Carolina  
29 Building Code Council, North Carolina Code Officials Qualification  
30 Board, Public Officers and Employees Liability Insurance  
31 Commission, North Carolina Home Inspector Licensure Board, and  
32 the Volunteer Safety Workers' Compensation Board.
- 33 (8) Money appropriated to the Department of Insurance to pay its  
34 expenses incurred in connection with continuing education programs  
35 under Article 33 of this Chapter and in connection with the purchase  
36 and sale of copies of the North Carolina State Building Code.
- 37 (9) Money appropriated to the Department of Insurance for the  
38 Code-enforcement officials professional development requirements  
39 under G.S. 143-151.13A."

40 **SECTION 3.** There is appropriated from the Insurance Regulatory Fund  
41 established in G.S. 58-6-25 to the Department of Insurance the sum of one hundred  
42 thousand dollars (\$100,000) for the 2005-2006 fiscal year for the Code Officials  
43 Qualification Board for the purpose of developing and implementing the Code officials  
44 professional development program established in G.S. 143-151.13A.

1           **SECTION 4.** The Code Officials Qualification Board shall initiate  
2 development of the Code officials professional development program established  
3 pursuant to this act by June 1, 2005. The program shall be developed for  
4 implementation effective October 1, 2005.

5           **SECTION 5.** Section 1 of this act becomes effective October 1, 2005, and  
6 applies to certificates issued or renewed on or after that date. Section 3 of this act  
7 becomes effective July 1, 2005, only if the Code Officials Qualification Board has  
8 begun development of the Code officials professional development program by that  
9 date. The remainder of this act is effective when it becomes law.