

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 312

Short Title: Code Officials Professionalism/AB.

(Public)

Sponsors: Representative Gibson.

Referred to: Finance.

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PROFESSIONAL DEVELOPMENT PROGRAM FOR CODE-ENFORCEMENT OFFICIALS AND FEES TO ADMINISTER THE PROGRAM, TO AUTHORIZE THE USE OF FUNDS FROM THE DEPARTMENT OF INSURANCE FUND FOR PROFESSIONAL DEVELOPMENT OF CODE-ENFORCEMENT OFFICIALS, AND TO APPROPRIATE FUNDS FROM THE DEPARTMENT OF INSURANCE FUND FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

Section 1. Article 9C of Chapter 143 of the General Statutes is amended by adding a new section to read:

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

(a) As used in this section, 'official' means a qualified Code-enforcement official, as defined in G.S. 143-151.8.

(b) The Board may establish professional development requirements for officials as a condition of the renewal or reactivation of their certificates. The purposes of these professional development requirements are to assist officials in maintaining professional competence in their enforcement of the Code and to assure the health, safety, and welfare of the citizens of North Carolina. An official subject to this section shall present evidence to the Board at each certificate renewal after initial certification, that during the 12 months before the certificate expiration date, the official has completed the required

1 number of credit hours in courses approved by the Board. Annual continuing education  
2 hour requirements shall be determined by the Board, but shall not be more than six credit  
3 hours.

4 (c) The Board may establish nonrefundable fees not to exceed twenty-five dollars  
5 (\$25.00) to be paid to the Board by officials who are required to comply with this section  
6 or by course vendors. The purpose of the fees is to offset the cost of additional staff and  
7 resources to administer the program authorized by this section. To assure continued and  
8 proper administration of the program, any unexpended revenue from the fees shall not  
9 revert to the General Fund.

10 (d) The Board may adopt rules to give purpose and effect to the professional  
11 development requirements, including rules that govern:

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

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

15 (3) The methods of instruction.

16 (4) The computation of course credit.

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

18 (6) The waiver of or variance from the professional development  
19 requirement for hardship or other reasons.

20 (7) The procedures for compliance and sanctions for noncompliance.

21 (e) The certificate of any official who fails to comply with the professional  
22 development requirements under this section shall lapse. The Board may, for good cause  
23 shown, grant extensions of time to officials to comply with these requirements.

24 (f) Any official who, after obtaining an extension under subsection (d) of this  
25 section, offers evidence satisfactory to the Board that the official has satisfactorily  
26 completed the required professional development courses, is in compliance with this  
27 section.

28 (g) The Board may require an individual who earns a standard certificate under the  
29 prequalification program established in G.S. 143-151.13(d) to complete professional  
30 development courses, not to exceed six hours in each technical area of certification,  
31 within one year after that individual is first employed by a city or county inspection  
32 department.

33 (h) As a condition of reactivating a standard or limited certificate, the Board may  
34 require the completion of professional development courses within one year after  
35 reemployment as an official as follows:

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

41 (2) An individual who has been on inactive status for more than two years  
42 but who has been continuously employed by a city or county inspection  
43 department during the period of inactive status shall complete

1 professional development courses not to exceed six hours for each  
2 technical area in which the individual is certified.

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

8 Section 2. G.S. 58-6-25(d) reads as rewritten:

9 "(d) Use of Proceeds. – The Insurance Regulatory Fund is created in the State  
10 treasury, under the control of the Office of State Budget and Management. The proceeds  
11 of the charge levied in this section and all fees collected under Articles 69 through 71 of  
12 this Chapter and under Articles 9 and 9C of Chapter 143 of the General Statutes shall be  
13 credited to the Fund. The Fund shall be placed in an interest-bearing account and any  
14 interest or other income derived from the Fund shall be credited to the Fund. Moneys in  
15 the Fund may be spent only pursuant to appropriation by the General Assembly and in  
16 accordance with the line item budget enacted by the General Assembly. The Fund is  
17 subject to the provisions of the Executive Budget Act, except that no unexpended surplus  
18 of the Fund shall revert to the General Fund. All money credited to the Fund shall be used  
19 to reimburse the General Fund for the following:

- 20 (1) Money appropriated to the Department of Insurance to pay its expenses  
21 incurred in regulating the insurance industry and other industries in this  
22 State.
- 23 (2) Money appropriated to State agencies to pay the expenses incurred in  
24 regulating the insurance industry, in certifying statewide data processors  
25 under Article 11A of Chapter 131E of the General Statutes, and in  
26 purchasing reports of patient data from statewide data processors  
27 certified under that Article.
- 28 (3) Money appropriated to the Department of Revenue to pay the expenses  
29 incurred in collecting and administering the taxes on insurance  
30 companies levied in Article 8B of Chapter 105 of the General Statutes.
- 31 (4) Money appropriated to the Department of Insurance for the Code-  
32 enforcement officials professional development requirements under  
33 G.S. 143-151.13A."

34 Section 3. The North Carolina Code Officials Qualification Board may adopt  
35 temporary rules to implement this act as a recent act of the General Assembly under G.S.  
36 150B-21.1(a)(2).

37 Section 4. There is appropriated from the Department of Insurance Fund,  
38 established in G.S. 58-6-25, to the Department of Insurance the sum of one hundred  
39 thousand dollars (\$100,000) for the 1999-2000 fiscal year for the Code Officials  
40 Qualification Board for the purpose of developing and implementing the Code officials  
41 professional development program established in G.S. 143-151.13A.

42 Section 5. Section 5 of this act becomes effective July 1, 1999, only if the  
43 Code Officials Qualification Board establishes the program authorized in Section 1 of

1 this act prior to the ratification date of an act of the General Assembly appropriating the  
2 funds. The remainder of this act becomes effective when it becomes law. Section 1 of  
3 this act applies to licenses applied for or renewed on or after October 1, 1999.