

April 5, 2001

**S 1036. BUILDING CODE SUBJECT TO APA. TO CLARIFY THAT THE STATE BUILDING CODE COUNCIL IS SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT.** Amends GS 143-138 to provide that the N.C. State Building Code is a rule within the meaning of the N.C. Administrative Procedure Act (APA) and must be adopted in accordance with the procedural requirements of that act. Deletes provision prohibiting the Building Code Council from taking final action on a Code change involving certain economic impacts until at least 60 days after a fiscal note has been prepared on the matter. Amends GS 150B-21.21 to allow the Building Code Council to "publish" the Code for purposes of APA by distributing it to those agencies, institutions, and governmental units listed in GS 143-138(g). Makes conforming changes to GS 143-138(d), (e), and (g), and to GS 150B-38(a). Applies to revisions to the Code made on or after Jan. 1, 2002.

**Intro. by Hoyle, Rank, Kerr, Foxx.**

Ref. to Judiciary I	GS 143, 150B
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May 14, 2001

**S 1036. BUILDING CODE SUBJECT TO APA.** Intro. 4/5/01. House committee substitute makes the following changes to 1st edition. Makes the following changes to the original bill: (1) amends GS 143-138(a) to provide that notice of public hearing must be published in NC Register at least 15 days before date of hearing; (2) amends GS 143-138(d) to delete language concerning effective dates of code revisions and amendments; (3) amends GS 143-138(e) to provide that approved rules become effective in accordance with GS 150B-21.3; (4) amends GS 143-138(g) to require that one copy of building code and each amendment to code be distributed to Rules Review Comm'n (hereafter, comm'n); (5) adds new GS 150B-21.5(d) to provide that Building Code Council is not required to publish notice of text in NC Register when it proposes to adopt rule concerning code; council is required to submit to comm'n for review a rule for which notice and hearing is not required under this subsection; in adopting rule, council must comply with procedural requirements of GS 150B-21.3; (6) amends GS 150B-21.17(1a) to provide that subdivision (requiring NC Register to publish notices of rule-making proceedings, text of proposed rules, and text of permanent rules approved by comm'n) does not apply to code; and (7) amends proposed new GS 150B-21.21(a1) to provide that Codifier of Rules is not required to publish code in NC Administrative Code.

June 4, 2001

**SL 2001-141 (S 1036). BUILDING CODE SUBJECT TO APA. AN ACT TO CLARIFY THAT THE STATE BUILDING CODE COUNCIL IS SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT.** Summarized in *Daily Bulletin* 4/5/01 and 5/14/01. Enacted May 31, 2001. Effective May 31, 2001, and applies to revisions made to the North Carolina State Building Code on or after Jan. 1, 2002.