HOUSE MILITARY, VETERANS, & INDIAN AFFAIRS COMMITTEE

MINUTES

Due to the sudden illness of Representative Kinney, these minutes have not been signed. I attest that everything recorded is true and accurate to the best of my ability.

Respectfully submitted,

Eryn Gee

Committee Assistant

MILITARY, VETERANS & INDIAN AFFAIRS

<u>MEMBER</u>	<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>	<u>SEAT</u>
Kinney, Ted, Chair	Eryn Gee	733-5758	2123	22
Braswell, Jerry	Blinda Edwards	715-3001	420	96
Brown, John	Anna Kidd	733-5935	1111	25
Morris, Mia	Joy Feagin	733-5741	1315	115
Sexton, Wayne	Debbie Turner	733-5974	506	87
Sutton, Ron	Juanita Coley	733-5752	1321	71
Yongue, Douglas	Jenny Umstead	733-5821	1303	84

MILITARY, VETERANS & INDIAN AFFAIRS Committee Members



Rep. Ted KINNEY, Chair



Rep. Jerry BRASWELL



Rep. John BROWN



Rep. Mia MORRIS



Rep. Wayne SEXTON



Rep. Ronnie SUTTON



Rep. Douglas YONGUE

NORTH CAROLINA GENERAL ASSEMBLY

COMMITTEE SUMMARY REPORT HOUSE: MILITARY, VETERANS, AND INDIAN AFFAIRS

10G-1999	OUT DATE	03-18-99		04-19-99	
Valid Through 19-AUG-1999	IN DATE	03-10-99 03-18-99	03-25-99	03-29-99 04-19-99	04-28-99
	LATEST ACTION ON BILL	H -ASSIGNED TO APP-GGOV	H -REF TO COM ON MILEVET	*R -CH. SL 99-0078	*H -REF TO COM ON MIL&VET
HOUSE: MILITARY, VETERANS, AND INDIAN AFFAIRS	SHORT TITLE	STATE VETERANS ALLOWANCE UPPED	VETERANS CEMETERIES TRUSTEE	TRIBAL BUILDING INSPECTIONS	DESIGNATE COMM. OF INDIAN AFFAIRS
1999-2000 Biennium	INTRODUCER	RAYFIELD	GRADY	HAIRE	S1142 MARTIN W
1999-20	BILL	H 386	H 591	H 674=	S1142

NOTES- = AFTER BILL NUMBER SHOWS THAT BILL IS IDENTICAL, AS INTRODUCED, TO ANOTHER BILL.
* AFTER NUMBERS INDICATES THAT TEXT OF BILL WAS ALTERED BY ACTION ON THE BILL.
BOLDED LINE INDICATES BILL INDEXED AS AFFECTING APPROPRIATIONS.

Page:

ATTENDANCE

MILITARY, VETERANS & INDIAN AFFAIRS

(Name of Committee)

DATES	3/4	718	15										
Kinney, Ted Chair	/	V	V										
Braswell, Jerry	A	A	A										
Brown, John	V	~	~										
Morris, Mia	V	A	/										
Sexton, Wayne	1	A	A										
Sutton, Ronnie	/	V	1										
Yongue, Douglas	V	~	\										
Ex-Officio													
Baddour, Phil						-							
Cunningham, Pete													
Dedmon, Andy													
Earle, Beverly										-			
Hackney, Joe													
				-									
													
													
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MILITARY, VETERANS & INDIAN AFFAIRS

COMMITTEE MEETING

MARCH 4, 1999

AGENDA

CALL TO ORDER

INTRODUCTION OF REP. TED KINNEY AS CHAIRMAN

INTRODUCTION OF STAFF: THERESA MATULA

INTRODUCTION OF MEMBERS

INTRODUCTION OF SGT-AT-ARMS AND PAGES

OTHER BUSINESS

ADJOURNMENT

HOUSE MILITARY, VETERANS AND INDIAN AFFAIRS COMMITTEE MEETING

March 4, 1999

MINUTES

The House Committee on Military, Veterans and Indian Affairs met at 10:00 a.m., Thursday, March 4, 1999 in Room 1424 of the Legislative Building. Representative Kinney, the Chairman, presided and called the meeting to order.

The staff member, Theresa Matula was introduced, as was the Assistant Sergeant-At-Arms, Ann Lassiter, and the pages: Larry Clark of Rockingham County and Josie Chavis of Robinson County.

Those members present introduced themselves and told a little about their lives, including the areas that they represent. Eryn Gee, committee assistant was introduced, and Representative Kinney told about himself.

Rep. Sutton had a question about the status of the new Veterans Retirement Home to be opened in Fayetteville.

Rep Kinney said that he would get the details. He expressed an interest of the whole committee going to Fayetteville to visit the facility once it opened.

Discussion was made about touring the facility and learning more about it. The building is complete as of now and will officially be opened sometime this month. A remark was made that Fort Bragg in Fayetteville is the home of the only airborne division in the United States Military, the 82nd.

Rep. Kinney noted that Manchester Road, which runs through Fort Bragg going to Southern Pines, will be closing.

Charlie Smith, assistant secretary of Veterans Affairs, introduced himself and gave a current update of the Veterans' Home. Construction of the home was completed on January 11 and since then, inspections have been going on. They will start admitting patients on Monday. He would like for the Committee to tour the facility. The dedication ceremony and open house is scheduled for April 19th at 2:00 p.m. He is trying to get General Shelton, who will be in town during that time, to come to the dedication ceremony.

Rep. Sexton asked, "What is the total capacity?"

Mr. Smith said there are 150 rooms, most of which are double occupancy; there are 2 single rooms on each of the three wings to be used in cases of isolation, such as those dealing with communicable diseases. There may be rooms for widows and survivors of veterans, but the facility is primarily for vets themselves. The hospital is working on a license to accept Medicaid and Medicare insurance. Applicants are being accepted in the order in which they were received; however exceptions may apply in cases of urgent need.

Rep. Sutton asked, "Where does your staff come from? Did you have to generate new employees?"

Mr. Smith answered "No." Because of stipulations that no state funds would be used, and that the home was contracted with a private provider, the department solicited help from existing companies established in the business. They selected a management company called Private Trends, which operates the Georgia State Veterans Home.

Rep. Sexton asked for a breakdown of operating costs; from where does funding come?

Mr. Smith answered that about one third is federal funding. The remainder comes from patients, some of which will come from Medicaid.

Rep. Sexton expressed concern with a possible gap in funding between the time service is provided and when the money is received.

There is a trust fund that was established during the original legislation. Start-up funds were given during the 1997-1998 legislative session of \$500,000, which is included in the trust fund and will be used for times there may be a gap in coverage. Also the nursing home company, once established, will pay the Home back \$3.00 per day per bed to go into the trust fund to cover maintenance in the future.

Rep. Sexton asked if it that would be adequate to cover expenses.

Mr. Smith believes it will. If administrators find out that they have underestimated, they will come back to the General Assembly to ask for more money. Also they have requested money for five positions to work at a facility to be started in Salisbury.

Rep. Sexton, stated that the reasons for his questions is that he proposed a bill last session that would provide special license plates for Vietnam Veterans and the additional collected fee would go toward the trust fund of the Veterans Home in Fayetteville. The bill did not pass. Rep. Sexton believes that the trust fund will not be adequate and wants everyone to keep that in mind with possible solutions for the future.

Rep. Sutton asked about the eligibility criteria for admission.

Requirements are that participants be honorably discharged veterans and a resident of the state of North Carolina for the previous two years. Priority is given to wartime veterans.

With that discussion ending, Mr. Greg Richardson introduced himself as the Director of North Carolina Commission on Indian Affairs, and talked about the Commission and the Indian population.

Rep. Sutton asked Mr. Richardson to name the tribes and their general location and to describe the three Indian Organizations.

The Lumbee are located in Robinson, Scotland, Hoke and part of Blanden Counties. The Haliwa (Saponi) are located in Halifax and Warren Counties. The Meherrin are in Bertie County. The Coharie live in Samson and Harnett Counties. The Waccamaw-Siouan are in Columbus and Bladen Counties. The Eastern Band of Cherokee are located in Cherokee. The organizations are the Guilford Native American Association in Greensboro. The Metrolina Native American Association is in Charlotte. And in Cumberland County, there is the Cumberland County Association for Indian People.

Rep. Sutton mentioned how Native Americans are often left out when it comes to funding and he wanted the committee members to be aware and take note of that point.

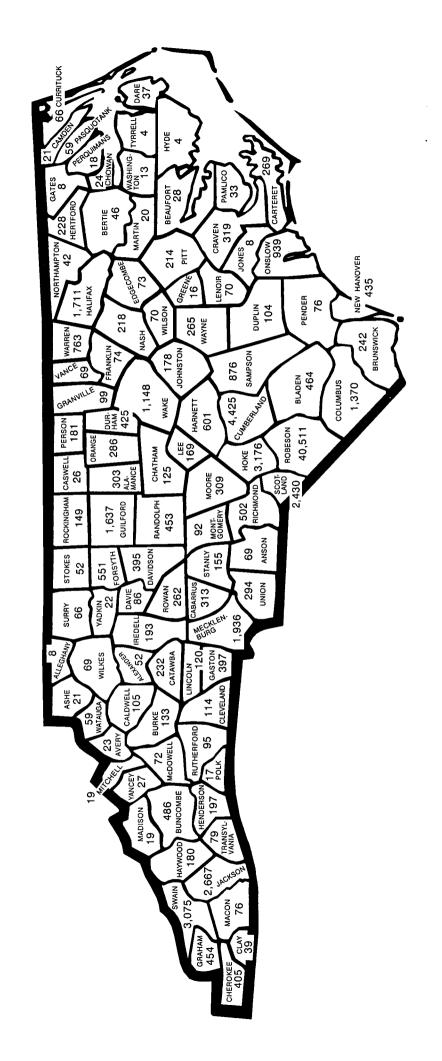
Rep. Brown asked if the Commission had done any lobbying for the UNC Board of Governors.

Commission members have discussed it. Rep. Sutton added that his delegation will support fully Ruth Dial Woods for a position, and how there is such a shortage of representation for the Indian community.

There being no further questions or discussion, the meeting was adjourned.

Indian Population in North Carolina

By County



VISITOR REGISTRATION SHEET

Military Veterans + Name of Committee	Indian Affairs 3/4
VISITORS: PLEASE SIGN BELOW AND	RETURN TO COMMITTEE CLERK.
Charles F Smith	FIRM OR AGENCY AND ADDRESS N.C. Divof Veterans Affairs
Charles F Smith Kathie Anotin Papett	, OSPL
ERE q. Richardson	N.C. Comission & Jadain 1

MILITARY, VETERANS & INDIAN AFFAIRS

COMMITTEE MEETING

MARCH 18, 1999

AGENDA

CALL TO ORDER

INTRODUCTION OF PAGES

BILL TO BE CONSIDERED:

HB 386 STATE VETERANS ALLOWANCE UPPED

OTHER BUSINESS

ADJOURNMENT

HOUSE MILITARY, VETERANS AND INDIAN AFFAIRS COMMITTEE MEETING

March 18, 1999

MINUTES

The House Committee on Military, Veterans and Indian Affairs met at 10:00 a.m., Thursday, March 18, 1999 in Room 1424 of the Legislative Building. Representative Kinney called the meeting to order and introduced the pages.

House Bill 386: STATE VETERANS ALLOWANCE UPPED

Rep. Rayfield explained the bill. As there were no questions, Rep. Sutton moved that the bill be given a favorable report. The bill was voted on and unanimously received a favorable report.

Rep. Kinney reminded the Committee that the Opening Ceremony for the State Veterans Home will be on April 19,1999.

Rep. Brown commented that many veterans live on limited resources and he is thankful that provisions like this legislation are around to help those less fortunate.

There being no further questions or discussion, the meeting was adjourned.

1999 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative(s) KINNEY for the Committee on MILITARY, VETERANS & **INDIAN AFFAIRS** Committee Substitute for H.B. 386 A BILL TO BE ENTITLED AN ACT TO INCREASE THE VETREANS ALLOWANCE TO COUNTIES FOR VETERANS SERVICES AUTHORIZED TO BE PAID BY THE DIVISION OF VETERANS AFFAIRS. With a favorable report. With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations | Finance | With a favorable report, as amended. With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations | Finance | With a favorable report as to committee substitute bill (#), which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill. With an unfavorable report. With recommendation that the House concur. With recommendation that the House do not concur. With recommendation that the House do not concur; request conferees. With recommendation that the House concur; committee believes bill to be material. With an unfavorable report, with a Minority Report attached. Without prejudice. With an indefinite postponement report. With an indefinite postponement report, with a Minority Report attached. With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 386

(Public) Short Title: State Veterans Allowance Upped. Representatives Rayfield, McCombs, Teague; and Smith. Sponsors: Referred to: Military, Veterans and Indian Affairs. March 10, 1999 A BILL TO BE ENTITLED AN ACT TO INCREASE THE VETERANS ALLOWANCE TO COUNTIES FOR VETERANS SERVICES AUTHORIZED TO BE PAID BY THE DIVISION OF 3 **VETERANS AFFAIRS.** 4 5 The General Assembly of North Carolina enacts: Section 1. G.S. 165-6 reads as rewritten: "§ 165-6. Powers and duties of the Department. In furtherance of the stated purpose of this Article, the Department is hereby 8 9 authorized and empowered to do the following: To assist veterans, their families, and dependents in the (1) presentation, processing, proof, and establishment of such claims, privileges, rights, and benefits as they may be entitled to under 12 federal, State, or local laws, rules, and regulations. 13 To aid persons in active military service and their dependents with (2) 14 problems arising out of said service which come reasonably within the purview of the Department's program of assistance. 16 To collect data and information as to the facilities and services (3) available to veterans, their families, and dependents and to cooperate with agencies furnishing information or services 19 throughout the State in order to inform such agencies regarding 20 the availability of (i) education, training and retraining facilities,

(ii) health, medical, rehabilitation, and housing services and

facilities, (iii) employment and reemployment services, (iv)

provisions of federal, State, and local laws, rules, and regulations

1		effective violety maintages and honofits to victoring their families
1		affording rights, privileges, and benefits to veterans, their families,
2		and dependents, and in respect to such other matters of similar,
3		related, or appropriate nature not herein set out.
4	(4)	To establish such field offices, facilities and services throughout the
5	4-5	State as may be necessary to carry out the purposes of this Article.
6	(5)	To cooperate, as the Department deems appropriate, with
7		governmental, private and civic agencies and instrumentalities in
8		securing services or benefits for veterans, their families, dependents
9		and beneficiaries.
10	(6)	To accept any property, funds, service, or facilities from any
11		source, public or private, granted in aid or furtherance of the
12		administration of the provisions of this Article.
13	(7)	To enter into any contract or agreement with any person, firm, or
14		corporation, or governmental agency or instrumentality in
15		furtherance of the purposes of this Article, and to make all rules
16		and regulations necessary for the proper and effective
17		administration of its duties.
18	(8)	It shall be the duty of the Department to train, supervise and assist
19		the employees of any county, city or town who are engaged in
20		veterans service. Authority is hereby granted the governing body of
21		any county, city or town to appropriate such amounts as it may
22		deem necessary to provide a veterans service program and the
23		expenditure of such funds is hereby declared to be for a public
24		purpose; such program shall be operated in affiliation with this
25		Department and under its supervision as set forth above.
26	(9)	The Department may, in its discretion, contribute to each county
27	` ,	an amount not to exceed two thousand dollars (\$2,000) four
28		thousand dollars (\$4,000) on a matching basis for any fiscal year
29		for the maintenance and operation of a county veterans service
30		program. Participating counties shall furnish the Department such
31		reports, accountings and other information at such times and in
32		such form as the Department may require.
33	(10)	Repealed by Session Laws 1973, c. 620, s. 9."
34	Section	on 2. This act becomes effective July 1, 1999.

Page 2 House Bill 386



HOUSE BILL 386: State Veterans Allowance Upped.

BILL ANALYSIS

Committee: Military, Veterans & Indian Affrs.

Date: Version: March 17, 1999

1st Edition

Introduced by: Representative Rayfield

Summary by:

Theresa Matula

Committee Staff

SUMMARY: House Bill 386 increases from \$2,000 to \$4,000, the amount that the Department of Administration may contribute to each county for the maintenance and operation of a county veterans service program.

CURRENT LAW:

Chapter 165 of the General Statutes pertains to Veterans. G.S. 165-6 outlines the powers and duties of the Department of Administration with respect to veterans. Currently G.S. 165-6 (9) states that the Department may, in its discretion, contribute to each county an amount not to exceed two thousand dollars (\$2,000) on a matching basis for any fiscal year for the maintenance and operation of a county veterans service program. This provision further requires that participating counties furnish the Department such reports, accountings and other information at such times and in such form as the Department may require.

BILL ANALYSIS:

House Bill 386 will increase the amount that the Department may, in its discretion, contribute to each county. The money is contributed on a matching basis for any fiscal year for the maintenance and operation of a county veterans service program. This bill proposes an increase from two thousand dollars (\$2,000) to four thousand dollars (\$4,000). The act becomes effective July 1, 1999.

BACKGROUND:

Within the Department of Administration is the Division of Veterans Affairs. This Division works with fifteen district offices and approximately ninety-three county veteran service programs. A county veterans service program provides services to the local veterans.

VISITOR REGISTRATION SHEET

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Military	Vets, +	India	in Affair	3/18
VISITORS: PLE.	ASE SIGN BELO	W AND RET	URN TO COMMIT	TEE CLERK
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MILITARY, VETERANS & INDIAN AFFAIRS

COMMITTEE MEETING

April 15, 1999

AGENDA

CALL TO ORDER

INTRODUCTION OF PAGES

BILL TO BE CONSIDERED:

HB 674 TRIBAL BUILDING INSPECTIONS

OTHER BUSINESS

ADJOURNMENT

HOUSE MILITARY, VETERANS AND INDIAN AFFAIRS COMMITTEE MEETING

APRIL 15, 1999

MINUTES

The House Committee on Military, Veterans and Indian Affairs met at 10:00 a.m., Thursday, April 15, 1999 in Room 1424 of the Legislative Building. Representative Kinney called the meeting to order and let the pages introduce themselves.

House Bill 674: TRIBAL BUILDING INSPECTIONS

Rep. Haire had a proposed committee substitute and asked for someone to move that it be adopted for discussion. The motion was presented, properly seconded, and passed. Rep. Haire then explained the bill.

Rep. Yongue asked if the building inspectors would follow the same building codes as they do for all other buildings.

Rep. Haire answered yes, they would. The Eastern Band of Cherokee would adopt the statewide building code.

Rep. Yongue asked if local building codes would be affected.

Rep. Haire answered no. Because this covers different areas in five counties, they are bound by the State codes.

Rep. Sutton offered a friendly amendment, for page 2, line 2 by deleting the period and substituting "and related local building rules." Rep. Haire accepted the amendment as a friendly one. The committee voted and the amendment passed.

Rep. Brown asked if the Cherokee Indians agreed with the bill.

Rep. Haire informed the committee that the Cherokee Indians requested it.

Rep. Morris asked what the conditions were before? Were there no codes? Does this legislation simplify or is this adding another layer of regulation?

Before, the county building inspectors would inspect the buildings, but the question existed of whether or not they had any jurisdiction or if their regulations were binding.

Rep. Brown made a motion to give the committee substitute a favorable report, unfavorable as to original bill.

The motion passed. The amendment was engrossed and a new committee substitute drafted.

Rep. Kinney reminded the committee of the Dedication Ceremony for the new Veterans Home that will take place on Monday. He asked that everyone, who is able, attend.

There being no further business, the meeting was adjourned.

1999 COMMITTEE REPORT HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented: By Representative(s) KINNEY for the Committee on MILITARY, VETERANS & INDIAN AFFAIRS. Committee Substitute for H.B. 674 A BILL TO BE ENTITLED AN ACT TO ALLOW A FEDERALLY RECOGNIZED INDIAN TRIBE TO PERFORM BUILDING INSPECITONS AND TO ALLOW CERTIFICATIONS AND LICENSE REGULATION OF BUILDING INSPECTORS ON TRIBAL LANDS OF FEDERALLY RECOGNIZED INDIAN TRIBES. With a favorable report. With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations | Finance | With a favorable report, as amended. With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations Finance With a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill. With a favorable report as to House committee substitute bill (#), which changes the title, unfavorable as to Senate committee substitute bill. With an unfavorable report. With recommendation that the House concur. With recommendation that the House do not concur. With recommendation that the House do not concur; request conferees. With recommendation that the House concur; committee believes bill to be material. With an unfavorable report, with a Minority Report attached. ☐ Without prejudice. With an indefinite postponement report. With an indefinite postponement report, with a Minority Report attached. With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/24/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 674* Proposed Committee Substitute H674-PCS3343-RA

	Short Title: Tribal Building Inspections. (Public)
	Sponsors:
	Referred to:
	March 29, 1999
1	A BILL TO BE ENTITLED
2	AN ACT TO ALLOW A FEDERALLY RECOGNIZED INDIAN TRIBE TO
3	PERFORM BUILDING INSPECTIONS AND TO ALLOW CERTIFICATION
4	AND LICENSE REGULATION OF BUILDING INSPECTORS ON TRIBAL
5	LANDS OF FEDERALLY RECOGNIZED INDIAN TRIBES.
6	The General Assembly of North Carolina enacts:
7	Section 1. Article 18 of Chapter 153A of the General Statutes is
8	amended by adding a new section to read:
9	" <u>§ 153A-350.1. Tribal lands.</u>
10	As used in this Part, the term:
11	(1) 'Board of commissioners' includes the Tribal Council of such
12	tribe."
13	(2) 'County' or 'counties' also means a federally recognized Indian
14	Tribe, and as to such tribe includes lands held in trust for the tribe.
15	Section 2. G.S. 143-151.8 reads as rewritten:
16	"§ 143-151.8. Definitions.
17	(a) As used in this Article, unless the context otherwise requires:
18	(1) 'Board' means the North Carolina Code Officials Qualification
19	Board.
20	(2) 'Code' means the North Carolina State Building Code and related
21	local building rules approved by the Building Code Council
22	heretofore or hereinafter enacted, adopted or approved pursuant to
23	G.S. 143-138. G.S. 143-138, and any resolution adopted by a

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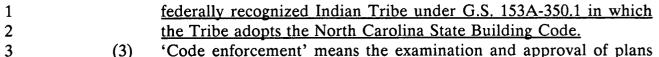
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- 'Code enforcement' means the examination and approval of plans (3) and specifications, or the inspection of the manner of construction, workmanship, and materials for construction of buildings and structures and components thereof, or the enforcement 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.
- 'Qualified Code-enforcement official' means a person qualified (5) under this Article to engage in the practice of Code enforcement.
- 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:
 - 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 40 thereof as a Code-enforcement official, or is employed by a federally 41 recognized Indian Tribe to perform inspections on tribal lands under G.S. 153A-350.1 42 as a Code-enforcement official. When the person certified leaves that employment for 43 any reason, he shall return the certificate to the Board. If the person subsequently 44 obtains employment as a Code-enforcement official in any governmental jurisdiction

Page 2 House Bill 674

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1 described above, the Board may reissue the certificate to him. The provisions of G.S. 2 143-151.16(b) relating to renewal fees and late renewals shall apply, if appropriate. 3 The provisions of G.S. 143-151.16(c) shall not apply. This section does not affect the 4 Board's powers under G.S. 143-151.17."

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

Grounds for disciplinary actions; investigation; administrative 7 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:
 - Has been convicted of a felony against this State or the United (1) States, or convicted of a felony in another state that would also be a felony if it had been committed in this State;
 - Has obtained certification through fraud, deceit, or perjury; **(2)**
 - (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;
 - Has affixed his signature to a report of inspection or other (5) instrument of service if no inspection has been made by him or under his immediate and responsible direction; or,
 - Has been guilty of willful misconduct, gross negligence or gross (6) incompetence.
- The Board may investigate the actions of any qualified Code-enforcement 25 official or applicant upon the verified complaint in writing of any person alleging a 26 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, 28 whom it finds to have been guilty of one or more of the actions set out in subsection 29 (a) as grounds for disciplinary action.
- (c) A denial, suspension, or revocation of a certificate issued under this Article 31 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 33 that are described in subsection (a) of this section. Within 30 days after receipt of a 34 notification that an application for a certificate has been denied, the applicant may 35 make a written request for a review by a committee designated by the chairman of 36 the Board to determine the reasonableness of the Board's action. The review shall be 37 completed without undue delay, and the applicant shall be notified promptly in 38 writing as to the outcome of the review. Within 30 days after service of the 39 notification as to the outcome, the applicant may make a written request for a 40 hearing under Article 3A of Chapter 150B of the General Statutes if the applicant 41 disagrees with the outcome.
- (e) The provisions of this section shall apply to Code-enforcement officials and 43 applicants who are employed or seek to be employed by a federally recognized 44 Indian Tribe to perform inspections on tribal lands under G.S. 153A-350.1."

House Bill 674 Page 3

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CENERAL ASSEMBLY OF NORTH CAR		N A

SESSION 1999

1 Section 6. Session Law 1998-21 is repealed.

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



HB 674: **Recogized Indian Tribes Building Inspections**

Committee: Military, Veterans & Indian

Affairs -- House

Date:

April 14, 1999

Version: H674-PCSRA-1 Introduced by: Rep. Haire

Summary by:

Terrence Sullivan

Committee Counsel

The Proposed Committee Substitute (PCS) to HB 674, (identical as introduced to SB 597, Senator Robinson — Sponsor) would reaffirm the power of a federally recognized Indian tribe to adopt the State Building Code and would allow the certification and licensure of persons hired or contracted for by the tribe to inspect buildings.

G.S. Chapter 153A, Article 18, Part 4 requires counties to inspect buildings under **CURRENT LAW:** the State Building Code and local laws and ordinances. A new section G.S.153A-350.1, added to that Part in the 1998 Session in a local bill (SL 1998-21), includes a federally recognized Indian tribe and lands held in trust for the tribe in the definitions of the terms "county" or "counties" for the purposes of inspection of buildings.

BILL ANALYSIS: The PCS for HB 674 would be a public bill, rather than a local bill as it was originally introduced.

Sections 1 and 6, respectively, would reenact the operative language of SL 1998-21, deleting all references to specific counties, as a public and general law, and would repeal SL 1998-21.

Section 2 would amend the definitions section, G.S. 143-151.8, controlling G.S. Chapter 143, Article 9C, the North Carolina Code Qualifications Board ("Board"). "Code" would be defined to allow adoption or approval of the State Building Code by a federally recognized Indian tribe. "Code enforcement" would be amended to include employees of a federally recognized Indian tribe performing building inspections on tribal lands. "Local inspection department" would be defined to include a government agency of a federally recognized Indian tribe.

Section 3 would amend G.S. 143-151.12(3), setting forth the powers of the Board, to include specifically the power to certify as building inspectors persons employed by federally recognized Indian tribes for inspections on tribal lands.

Section 4 would amend G.S. 143-151.15 to provide that a certificate issued by the Board is valid as long as the person certified is employed by a federally recognized Indian tribe to perform building inspections on tribal lands. Under present law the certificate is valid only as long as a State or local governmental subdivision employs the person certified as a Code enforcement official.

Section 5 would amend G.S. 143-151.17, establishing the grounds for disciplinary action by the Board, the aiding or abetting of any person practicing in violation of building codes adopted by a federally recognized Indian tribe to that for those actions with regard to the State Building Code.

Section 7 would make the bill effective when it becomes law.

(over)

NORTH CAROLINA CONSTITUTION, Relevant Provisions:

"Article II, Sec. 24. Limitations on local, private, and special legislation.

- (1) Prohibited Subjects. The General Assembly shall not enact any local, private, or special act or resolution:
 - (a) Relating to health, sanitation, and the abatement of nuisances;
 - (j) Regulating labor, trade, mining, or manufacturing
- (3) Prohibited acts void. Any local, private, or special act or resolution enacted in violation of the provisions of this Section shall be void."

"Article II, Sec. 22. Action on bills.

- (1) Bills subject to veto by Governor; override of veto. Except as provided by subsections (2) through (6) of this section, all bills shall be read three times in each house and shall be signed by the presiding officer of each house before being presented to the Governor. If the Governor approves, the Governor shall sign it and it shall become a law....
- (6) Local bills. Every bill that applies in fewer than 15 counties shall be read three times in each house before it becomes law and shall be signed by the presiding officers of both houses. The exemption from veto by the Governor provided in this subsection does not apply if the bill, at the time it is signed by the presiding officers:
 - (a) Would extend the application of a law signed by the presiding officers during that two year term of the General Assembly so that the law would apply in more than half the counties in the State, or
 - (b) Would enact a law identical in effect to another law or laws signed by the presiding officers during that two year term of the General Assembly that the result of those laws taken together would be a law applying in more than half the counties in the State.

Notwithstanding any other language in this subsection, the exemption from veto provided by this subsection does not apply to any bill to enact a general law classified by population or other criteria, or to any bill that contains an appropriation from the State treasury."

H674-SMRA-1

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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 674* Proposed Committee Substitute H674-PCS3348-RA

	Short Title: Tribal Building Inspections. (Public)
	Sponsors:
	Referred to:
	March 29, 1999
1	A BILL TO BE ENTITLED
2	AN ACT TO ALLOW A FEDERALLY RECOGNIZED INDIAN TRIBE TO
3	PERFORM BUILDING INSPECTIONS AND TO ALLOW CERTIFICATION
4	AND LICENSE REGULATION OF BUILDING INSPECTORS ON TRIBAL
5	LANDS OF FEDERALLY RECOGNIZED INDIAN TRIBES.
6	The General Assembly of North Carolina enacts:
7	Section 1. Article 18 of Chapter 153A of the General Statutes is
8	amended by adding a new section to read:
9	"§ 153A-350.1, Tribal lands.
10	As used in this Part, the term:
11 12	(1) 'Board of commissioners' includes the Tribal Council of such tribe."
13	(2) 'County' or 'counties' also means a federally recognized Indian
14	Tribe, and as to such tribe includes lands held in trust for the tribe.
15	Section 2. G.S. 143-151.8 reads as rewritten:
16	"§ 143-151.8. Definitions.
17	(a) As used in this Article, unless the context otherwise requires:
18	(1) 'Board' means the North Carolina Code Officials Qualification
19	Board.
20	(2) 'Code' means the North Carolina State Building Code and related
21	local building rules approved by the Building Code Council
22	heretofore or hereinafter enacted, adopted or approved pursuant to
23	G.S. 143-138. G.S. 143-138, and any resolution adopted by a

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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.

- 'Code enforcement' means the examination and approval of plans (3) 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.
- 'Local inspection department' means the agency or agencies of (4) 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.
- 'Qualified Code-enforcement official' means a person qualified (5) under this Article to engage in the practice of Code enforcement.
- For purposes of this Article, the population of a city or county shall be 31 determined according to the most current federal census, unless otherwise specified." Section 3. G.S. 143-151.12(3) reads as rewritten:
 - Certify persons as being qualified under the provisions of this "(3) 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 40 certified is employed by the State of North Carolina or any political subdivision 41 thereof as a Code-enforcement official, or is employed by a federally 42 recognized Indian Tribe to perform inspections on tribal lands under G.S. 153A-350.1 43 as a Code-enforcement official. When the person certified leaves that employment for 44 any reason, he shall return the certificate to the Board. If the person subsequently

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1 obtains employment as a Code-enforcement official in any governmental jurisdiction 2 described above, the Board may reissue the certificate to him. The provisions of G.S. 3 143-151.16(b) relating to renewal fees and late renewals shall apply, if appropriate. 4 The provisions of G.S. 143-151.16(c) shall not apply. This section does not affect the 5 Board's powers under G.S. 143-151.17."

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

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

- The Board shall have the power to suspend, revoke or refuse to grant any 10 certificate issued under the provisions of this Article to any person who:
 - Has been convicted of a felony against this State or the United (1) States, or convicted of a felony in another state that would also be a felony if it had been committed in this State;
 - Has obtained certification through fraud, deceit, or perjury; **(2)**
 - (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;
 - Has affixed his signature to a report of inspection or other (5) 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.
- The Board may investigate the actions of any qualified Code-enforcement 26 official or applicant upon the verified complaint in writing of any person alleging a 27 violation of subsection (a). The Board may suspend or revoke the certification of any 28 qualified Code-enforcement official and refuse to grant a certificate to any applicant, 29 whom it finds to have been guilty of one or more of the actions set out in subsection 30 (a) as grounds for disciplinary action.
- (c) A denial, suspension, or revocation of a certificate issued under this Article 32 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 34 that are described in subsection (a) of this section. Within 30 days after receipt of a 35 notification that an application for a certificate has been denied, the applicant may 36 make a written request for a review by a committee designated by the chairman of 37 the Board to determine the reasonableness of the Board's action. The review shall be 38 completed without undue delay, and the applicant shall be notified promptly in 39 writing as to the outcome of the review. Within 30 days after service of the 40 notification as to the outcome, the applicant may make a written request for a 41 hearing under Article 3A of Chapter 150B of the General Statutes if the applicant 42 disagrees with the outcome.

House Bill 674 Page 3

- 1 (e) The provisions of this section shall apply to Code-enforcement officials and 2 applicants who are employed or seek to be employed by a federally recognized 3 Indian Tribe to perform inspections on tribal lands under G.S. 153A-350.1."
 - Section 6. Session Law 1998-21 is repealed.
- 5 Section 7. This act is effective when it becomes law.