~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 18, 2021

**H. 4060**

Introduced by Reps. Sandifer and Thayer

S. Printed 3/18/21--H.

Read the first time March 11, 2021.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 4060) to amend Section 6‑9‑40, Code of Laws of South Carolina, 1976, relating to building code adoption procedures, so as to provide that the South Carolina, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 6‑9‑40(A) of the 1976 Code is amended to read:

“(A)(1) The council is authorized to review, adopt, modify, and promulgate the building codes referenced in Section 6‑9‑50, for residential building codes, the effective date shall be no earlier than five years but no later than six years from the date of the previously adopted South Carolina Building Codes, and for commercial building codes referenced in Section 6‑9‑50, the effective date shall be no earlier than two years but no later than three years from the date of the previously adopted South Carolina Building Codes, however, the council may begin these processes sooner, provided that:

~~(1)~~(a) a notice of intention to adopt a code, adopt a new edition of a code, or modify an existing code must be published in the State Register as a Notice of General Interest, on websites published by the Department of Labor, Licensing and Regulation, and must be provided to each local building department with instructions for its prominent display;

~~(2)~~(b) the notice must include:

~~(a)~~(i) the address to which interested persons may submit written comments; and

~~(b)~~(ii) a period of not less than one hundred eighty days during which comments may be received;

~~(3)~~(c) comments must be assigned to a study committee appointed by the council which shall publish Notice of General Interest in the same manner as provided in item (1) setting out the committee’s scope of review. The notice must give instructions for filing an intention to appear before or provide evidence or comments to the committee, or both. The committee must be comprised of at least three people with different technical backgrounds; and

~~(4)~~(d) the committee shall hold at least one public meeting, accept evidence and comments, and make a written recommendation to the council. Within one hundred eighty days from the end of the comment period, the council shall adopt, modify, or deny the recommendations from the committee. The council may modify, deny, or amend the code committee’s report of recommendations with at least a two‑thirds vote after a finding on the record that the modifications provide a reasonable degree of public health~~,~~ and safety~~, and welfare~~.

(2) Any amended or modified code shall be codified as provided for in Section 1‑23‑90. The council shall determine whether the amended or modified code becomes effective on the first day of January or July.

(3) All codes and reference standards referred to in the IRC remain in effect with the adopted version of the IRC.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND SECTION 6‑9‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BUILDING CODE ADOPTION PROCEDURES, SO AS TO PROVIDE THAT THE SOUTH CAROLINA BUILDING CODES COUNCIL ALSO IS AUTHORIZED TO DENY THE RESIDENTIAL BUILDING CODES WITHIN A CERTAIN TIME FRAME, TO PROVIDE THAT THE COUNCIL ALSO MAY DENY THE STUDY COMMITTEE’S REPORT OF RECOMMENDATIONS UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THAT THE COUNCIL MUST PROVIDE A PRELIMINARY FISCAL IMPACT STATEMENT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 6‑9‑40(A) of the 1976 Code is amended to read:

“(A)(1) The council is authorized to review, adopt, modify, ~~and~~ deny or promulgate the residential building codes referenced in Section 6‑9‑50, no later than six years from the date of implementation of the most recent version of the National Model Residential Building and Safety Codes of the previously adopted South Carolina Building Codes, and the commercial building codes, referenced in Section 6‑9‑50, no later than six years from the date of implementation of the most recent version of the National Model Building and Safety Codes of the previously adopted South Carolina Building Codes, provided that:

~~(1)~~(a) a notice of intention to adopt a code, adopt a new edition of a code, or modify an existing code must be published in the State Register as a Notice of General Interest, on websites published by the Department of Labor, Licensing and Regulation, and must be provided to each local building department with instructions for its prominent display;

~~(2)~~(b) the notice must include:

~~(a)~~(i) the address to which interested persons may submit written comments; and

~~(b)~~(ii) a period of not less than one hundred eighty days during which comments may be received;

~~(3)~~(c) comments must be assigned to a study committee appointed by the council which shall publish Notice of General Interest in the same manner as provided in item (1) setting out the committee’s scope of review. The notice must give instructions for filing an intention to appear before or provide evidence or comments to the committee, or both. The committee must be comprised of at least three people with different technical backgrounds; and

~~(4)~~(d) the committee shall hold at least one public meeting, accept evidence and comments, and make a written recommendation to the council. Within one hundred eighty days from the end of the comment period, the council shall adopt, modify, or deny the recommendations from the committee. The council may modify, deny, or amend the code committee’s report of recommendations with at least a two‑thirds majority vote after a finding on the record that the modifications provide a reasonable degree of public health~~,~~ and safety~~, and welfare~~. The council must provide a preliminary fiscal impact statement reflecting estimates of costs to be incurred by the public and state agencies in complying with the proposed modifications or amendments.

(2) Any amended or modified code shall be codified as provided for in Section 1‑23‑90. The council shall determine whether the amended or modified code becomes effective on the first day of January or July.”

SECTION 2. This act takes effect upon approval by the Governor.

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