



# HOUSE BILL 295: Promote North Carolina Sawmills.

2023-2024 General Assembly

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<b>Committee:</b>	House Regulatory Reform. If favorable, re- refer to Judiciary 1. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	May 3, 2023
<b>Introduced by:</b>	Reps. Gillespie, Sasser, Brody, Greene	<b>Prepared by:</b>	Kyle Evans
<b>Analysis of:</b>	First Edition		Committee Counsel

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**OVERVIEW:** *House Bill 295 would direct the Building Code Council to amend the North Carolina Residential Code for One- and Two-Family Dwellings to allow dimension lumber that has not been grade-stamped to be used in the construction of one- and two-family dwellings when certain conditions are met. This bill would also direct North Carolina Cooperative Extension (Extension) to create a lumber grading training program to provide for the certification of lumber graders and allow the Extension to authorize private lumber grading programs to certify lumber graders.*

**CURRENT LAW:** The North Carolina Residential Code for One- and Two-Family Dwellings currently requires that all sawn lumber and end-jointed lumber used for load-supporting purposes be identified by a grade mark or certification of inspection issued by a lumber grading or inspection agency.

## BILL ANALYSIS:

**Section 1.(a)** of House Bill 295 would define "dimension lumber" and "small mill" for purposes of the bill.

**Section 1.(b)** would direct the Building Code Council to amend the North Carolina Residential Code for One- and Two-Family Dwellings to allow dimension lumber that has not been grade-stamped to be used in the construction of one- and two-family dwellings, if all of the following apply:

- The lumber is sold directly from the sawmill that milled the lumber to the owner of the dwelling to be constructed, or that person's authorized representative.
- The dimension lumber meets or exceeds the requirements of the Residential Code for One- and Two-Family Dwellings other than the requirements that only grade-stamped lumber be used in residential construction.
- The sawmill operator has a certificate from a State-approved lumber grading training program and certifies that the lumber conforms with product and inspection standards under [American Softwood Lumber Standard PS 20](#) and marks the lumber with (i) the mill number, name, or abbreviation, (ii) the species or combination of species of the lumber, (iii) whether the lumber was dry or green when manufactured as required by American Softwood Lumber Standard PS20, and (iv) whether the lumber conforms with PS20 standards.
- The appropriate code enforcement official reviews the framing of the dwelling to ensure that it meets the requirements of the North Carolina Residential Code for One- and Two-Family Dwellings in all respects other than the requirements that only grade-stamped lumber be used in

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residential construction. The code enforcement official would not be liable for any structural failure that occurs because of the use of dimension lumber rather than grade-stamped lumber.

**Section 1.(c)** would direct the Building Code Council to amend the North Carolina Residential Code for One- and Two-Family Dwellings to allow dimension lumber that has not been grade-stamped to be used in the construction of one- and two-family dwellings classified as Residential Group R-2 or R-3, if all of the following apply:

- The lumber is sold directly by the owner or employee of a small mill or mobile sawmill that milled the lumber to the owner and otherwise meets the same requirements set forth for ungraded lumber in Section 1(b).
- The small mill or mobile sawmill provides to the purchaser a certificate containing all of the following:
  - A statement of the species of wood, quantity milled, and address where the lumber will be used.
  - The name of the sawmill operator certified pursuant to G.S. 143-138.2 who milled the lumber.
  - A certification that the lumber meets or exceeds the requirements of the North Carolina Building Code with the exception that it has not been grade-stamped by an accredited lumber grading bureau.
  - The date of sale of the lumber.

**Section 1(d)** would direct the Building Code Council to adopt temporary rules to implement the requirements of this section no later than 180 days after the effective date of this section. The Building Code Council must also adopt permanent rules to replace the temporary rules.

**Section 2** would direct the Extension to establish a basic lumber grading training program, offered annually, including requirements for completing the program and certification under the program. The Extension could, in its discretion, authorize private lumber grading training programs to offer certifications for lumber grading, provided the private program requirements are at least as stringent as the requirements of the Extension's program. Recertification would be required every five years, and certificate holders would be required to register with the North Carolina Forest Service before selling lumber pursuant to Section 1 of this act. The Extension would be directed to establish this program within 180 days of the effective date of the act.

**Section 3** would amend G.S. 160D-1110 (Building Permits) to require building permit applicants using lumber sold pursuant to Section 1 of this act to submit with the building permit application the following:

- A statement of the species of wood, quantity milled, and address where the lumber will be used.
- The name of the sawmill operator certified pursuant to G.S. 143-138.2 who milled the lumber.
- A certification that the lumber meets or exceeds the requirements of the North Carolina Building Code with the exception that it has not been grade-stamped by an accredited lumber grading bureau.
- The date of sale of the lumber.

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**EFFECTIVE DATE:** Section 1 of this act would be effective when it becomes law and expire when the Building Code Council has issued permanent rules substantially similar to Sections 1(b) and 1(c) of this act and notifies the Codifier of Statutes that it has done so. Section 3 of this act would become effective on the date that the temporary rules required to be adopted by the Building Code Council by Section 1 of this act become effective. The remainder of this act would be effective when it becomes law.

*Jennifer McGinnis and Chris Saunders, Legislative Analysis Division, substantially contributed to this summary.*