



NORTH CAROLINA BURGLAR AND FIRE ALARM ASSOCIATION

LEGISLATIVE REPORT

APRIL 17, 2007

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INTRODUCTION

It appears as though the Appropriations Subcommittees are nearing a conclusion on their budget preparations. Usually by now, the House would be meeting separately to discuss their budget proposal; however, in a show of cooperation, both the House and Senate members continue to meet jointly to determine what budget items they can reach a consensus on regarding additional spending. The House leadership has announced that it will provide limited new funding and will only continue to fund current projects and provide for salary increases, cost of living adjustments, and repairs. For those hoping for additional funding for new projects or new needs, the news was grim.

This report contains two weeks worth of bills and completes the Senate bill filing period. The House public bill filing period ends on April 18, 2007; although in the House, they can still file finance and appropriations bills into the month of May. The rate of filing bills continues to be high with bills filed this year almost 35% higher than last session at this time.

Both the House and the Senate last week approved resolutions apologizing for the state's role in slavery in North Carolina. Comments made by legislators both in the House and Senate were very personal regarding legislators' family histories and experiences in dealing with racism and slavery in North Carolina. Although the bill is a resolution and does not provide funding or other action by the state, some felt it was an important step to take to acknowledge the government's role in slavery.

If you would like a copy of any of the legislation introduced or considered by this year's General Assembly, you may receive one copy of as many bills as you are interested in, free of charge, by calling the General Assembly's Printed Bills office at 919/733-5648. They will need to know if it is a House bill or Senate bill and the bill number. (For example, Senate Bill 8). Copies are also available on the General Assembly's World Wide Web site: <http://www.ncleg.net>.



BILLS OF INTEREST

HOUSE BILL 1044, Work Opportunity Tax Credit. This bill is identical to Senate Bill 1145, summarized in the April 5th Legislative Report. **Introduced by Representatives Wainwright and Pierce and referred to the House Judiciary III Committee.**

HOUSE BILL 1057, Restore Flexibility to the School Calendar, would make a variety of changes regarding the school calendar, including eliminating five teacher workdays and directing that the opening date for students could not be before August 18 (was August 25). The bill would amend current law that allows the State Board of Education to waive school opening and closing dates for good cause or an educational purpose by expanding the definition of “educational purposes” to include: (1) aligning the system calendar with a local university or college; (2) adjusting the examination schedule systemwide; (3) accommodating block schedules systemwide; and (4) handling inclement weather or other emergency situations. However, no waiver could be granted that would allow a school to open before August 10th. The bill would further authorize state community colleges to align their calendars with the local education agencies in their areas. **Introduced by Representatives Haire and Bell and referred to the House Education Committee.**

HOUSE BILL 1179, Clean Cars Program/Funds. This bill is substantially similar to Senate Bill 1307, summarized in the April 5th Legislative Report. **Introduced by Representative Harrison and referred to the House Environment and Natural Resources Committee.**

HOUSE BILL 1187, Energy Devices that Use Renewable Resources. This bill is identical to Senate Bill 670, summarized in the March 22nd Legislative Report. **Introduced by Representatives Fisher and Harrison and referred to the House Energy and Energy Efficiency Committee.**

HOUSE BILL 1203, Public School Bond Act of 2007, would authorize the state, upon the approval of the voters, to issue \$2 billion in general obligation bonds to fund county school building projects. **Introduced by Representative Yongue and referred to the House Finance Committee.**

HOUSE BILL 1284, Limitation/Overturn ABL Plumbing/Heating Case, would provide that a cause of action for breach of contract or breach of warranty arising out of the performance of a construction project to improve real property would be deemed to accrue at the time of the occurrence of the breach or upon substantial completion, whichever occurs later. **Introduced by Representative Stam and referred to the House Commerce, Small Business, and Entrepreneurship Committee.**

HOUSE BILL 1311, Apologize for Slavery, would express the General Assembly’s regret for slavery and for the lasting effects of slavery, including segregation. **Introduced by Representatives Womble and Parmon and referred to the House Rules Committee. The bill was approved by the House Rules Committee and the full House and will next be considered by the Senate.**



HOUSE BILL 1338, Raise Project Value Limits/Electrical Contractors, would increase the maximum value of projects that limited licensed electrical contractors may work on in a single contracting project from \$25,000 to \$40,000 and the intermediate licensed contractors from \$75,000 to \$110,000. In addition, the Electrical Contracts Board would be authorized to modify the project value limitations no more than every three years based on changes in the electrical project cost index. **Introduced by Representative T. Harrell and referred to the House Commerce, Small Business, and Entrepreneurship Committee.**

HOUSE BILL 1343, Statute of Repose/Products Liability Actions. This bill is identical to Senate Bill 969, summarized in the April 5th Legislative Report. **Introduced by Representative Glazier and referred to the House Judiciary II Committee.**

HOUSE BILL 1348, Exempt Fire Equipment from Motor Vehicle Inspections. This bill is identical to Senate Bill 1497, summarized below in this Legislative Report. **Introduced by Representative Holloway and referred to the House Transportation Committee.**

HOUSE BILL 1372, Organ Donation/The Heart Prevails, would enact the Revised Uniform Anatomical Gift Act that would provide that the decision to have the heart symbol on one's driver's license is legally sufficient consent to organ donation unless revoked by the donor. The bill would also improve donor or prospective donor online access to indicate or revoke organ donation. **Introduced by Representatives Folwell, Holliman, Clary, and Wainwright and referred to the House Health Committee.**

SENATE BILL 1490, Certificate of Merit/Civil Action/Engineer/Architect, would require a plaintiff in a civil action or arbitration proceeding arising out of the provision of services by a professional engineer or architect licensed in North Carolina to file an affidavit of a third-party licensed professional engineer or architect with the complaint. The third-party professional engineer or architect would be required to: (1) be competent; (2) hold the same license and practice in the same area as the defendant; (3) be licensed in North Carolina; and (4) be actively engaged in practice. The affidavit would state at least one negligent act, error, or omission claimed to have been committed by the defendant and the factual basis for that claim. Failure to file the affidavit would result in a dismissal of the complaint and an order granting or denying a motion to dismiss would be immediately appealable. Licensing boards for architects and professional engineers would be authorized to discipline any member who certified a civil action that was without merit. **Introduced by Senator Hartsell and referred to the Senate Judiciary I Committee.**

SENATE BILL 1497, Exempt Fire Equipment from Motor Vehicle Inspections, would exempt fire suppression equipment from the safety and emissions inspections requirements; however, passenger vehicles owned and operated by a volunteer or governmental fire department or agency would not be exempt. **Introduced by Senator Berger of Rockingham and referred to the Senate Commerce, Small Business, and Entrepreneurship Committee.**



SENATE BILL 1512, Health Insurance Risk Pool/Healthy NC, would enact the Healthy North Carolina program to provide affordable accident and health insurance coverage to small employers, self-employed individuals, and uninsured workers. The bill would also create the North Carolina Health Insurance Risk Pool to meet the insurance coverage needs of individuals who could not obtain affordable health insurance because of high risk health conditions. **Introduced by Senator Dalton and referred to the Senate Appropriations Committee.**

SENATE BILL 1517, Prohibit Gift Card Maintenance Fees, would prohibit the charging of a maintenance fee on a gift card. The term “maintenance fee” would be defined as any fee the owner of the card is charged when the card is redeemed, including a service or inactivity fee. A violation would be punishable by a \$1,000 fine and would be considered an unfair trade practice. **Introduced by Senator Atwater and referred to the Senate Commerce, Small Business, and Entrepreneurship Committee.**

SENATE BILL 1525, Recovery of Certain I.T. Equipment, would establish a new program to create a system for disposing of, collecting, and recycling electronic and printing devices including desktop or notebook computers, computer monitors, portable computers, and printers. Each manufacturer would be required to visibly label the device and implement a recovery program so that they could collect and recover the device at no charge to the consumer. The Department of Environment and Natural Resources would also be involved and would develop an education program to teach consumers about the collection and recovery of covered devices. **Introduced by Senator Hagan and referred to the Senate Commerce, Small Business, and Entrepreneurship Committee.**

SENATE BILL 1529, Implement Modernization Commission Recommendations, would implement the recommendations of the State and Local Fiscal Modernization Study Commission by authorizing municipalities and counties to levy a meals tax, a room occupancy tax, and a land transfer tax if approved by the voters of the municipality or county. The bill also describes how those taxes would be implemented. **Introduced by Senator Clodfelter and referred to the Senate Finance Committee.**

SENATE BILL 1547, Income Tax Modernization, would lower individual income tax rates by using adjusted gross income rather than federal taxable income as a starting point for calculating state income tax liability. The bill would further reduce the individual income tax brackets from 6%, 7%, and 7.75% to 4.5%, 5.5%, and 7% respectively. **Introduced by Senator Hoyle and referred to the Senate Finance Committee.**

SENATE BILL 1553, Recycling Discarded Computer Equipment, would prohibit the disposal of discarded computer equipment in landfills or by incineration and would establish the North Carolina Computer Equipment Responsibility Program. **Introduced by Senator Cowell and referred to the Senate Commerce, Small Business, and Entrepreneurship Committee.**



SENATE BILL 1557, Apologize for Slavery, would express the regret of the North Carolina General Assembly for the history of wrongs inflicted upon black citizens through slavery, exploitation, and racial segregation and would call on all North Carolina citizens to promote racial reconciliation, to work to treat all people with respect, and to eliminate racial prejudices, injustice, and discrimination from our society. **Introduced by Senator Rand and referred to the Senate Rules Committee, where it was approved. The bill was approved by the full Senate and House on April 12, 2007.**

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