



NORTH CAROLINA BURGLAR AND FIRE ALARM ASSOCIATION

**Weekly Legislative Report
March 24, 2005**

INTRODUCTION

Legislators in the Senate have been working furiously to have all their bills filed by the bill filing deadline which was Wednesday, March 23, 2005. Although there will be new issues filed because of all the blank bills that are in play right now, we now should have a good idea of the bills that will be considered by the Senate for this session and will summarize the remaining Senate bills next week. The House deadlines are scattered throughout the month of April with most of the bill deadlines occurring on April 20, 2005. With the great volume of bills being filed (over 400 last week) we will send out a report on a periodic basis until the completion of the bill filing deadlines when we will get back on a regular schedule with bill updates.

After five (5) months of legal maneuvers, it looks like the race for the Superintendent of Public Schools is finally drawing to a close. A Superior Court Judge in Wake County determined last week that the Legislature should decide the contested race according to the procedure that legislators approved earlier this session. Although many politicians, legislators and other education officials have called for Bill Fletcher to concede the race, so far he has refused to do so.

Another issue making the rounds at the Legislature and getting a great deal of press coverage is legislation regarding more regulation and disclosure requirements for lobbyists. A coalition has formed with a variety of members from very different political persuasions to push for passage of legislation that would regulate lobbyists more. The bill includes provisions that would require all spending on lobbyists to be disclosed and would require a one year waiting period between the time a legislator serves in office and when they could become a lobbyist. Although a similar bill was filed last year it received little attention and did not receive a committee hearing. There seems to be a lot more pressure this year to have the bill be heard and move forward through the process.

The House and Senate adjourned on Thursday and will reconvene next Monday evening.

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

SENATE BILL 487, Flag/Pledge of Allegiance in Schools, would require the display of the United States and North Carolina Flags and would require the Pledge of Allegiance on a daily basis in North Carolina public schools. Currently schools are only encouraged to display the flag and recite the Pledge of Allegiance. **Introduced by Senator Hunt and referred to the Senate Education Committee.**

SENATE BILL 518, City/County Planning Clarification, would make a variety of changes to the city and county planning statutes by allowing cities and counties to combine any land-use ordinances into a single, unified ordinance. The bill would simplify the alternate notice provision for large-scale rezonings, which are those affecting more than 50 properties, and would add a new provision that would change the mailed notice requirement of municipalities to the current requirements for counties. **Introduced by Senator Clodfelter and referred to the Senate Judiciary I Committee.**

SENATE BILL 522, Extend Building Code Pilot Program, would extend the Building Code Pilot Program for rehabilitating existing buildings to January 1, 2007. **Introduced by Senator Clodfelter and referred to the Senate Commerce Committee.**

SENATE BILL 532, Construction Site Theft/Aggravate Penalty, would provide that theft from a construction site is a Class H felony if the value of the goods stolen is \$300 or more, and that possessing or receiving goods stolen from a construction site is a Class H Felony without regard to the value of the goods. A construction site is where a permit, license, or other authorization has been issued by a state or local government for new construction or improvements to real property. **Introduced by Senator Phil Berger and referred to the Senate Judiciary I Committee.**

SENATE BILL 566, Facilitate Community College Learn & Earn Program, would make changes to assist the Learn and Earn Program by extending community college tuition waivers to students in college high school programs. **Introduced by Senator Lucas and referred to the Senate Education Committee.**

SENATE BILL 585, Two-Year Vehicle Registration/Eight-Year Drivers Licenses, would change the renewal period for vehicle registration to two years instead of annually and change the renewal period for drivers licenses to eight years for most drivers. **Introduced by Senator Albertson and referred to the Senate Transportation Committee.**

SENATE BILL 598, Commercial Drivers License Changes, would define “conviction” for any offense occurring in North Carolina to include a “prayer for judgment continued” if the offender holds a commercial drivers license or if the offense occurs in a commercial motor vehicle. If an offense is committed outside North Carolina a conviction would include a no contest plea when the offense occurs in a commercial motor vehicle or the offender holds a commercial drivers license. Any person whose licensed is cancelled for failure to give required correct information, or for committing fraud in an application for a commercial drivers license would be prohibited from reapplying for a commercial drivers license for 60 days after cancellation. Civil penalties of not less

then \$1,100 for the first offense and not more than \$2,750 for a second or subsequent offense are included. **Introduced by Senator Jenkins and referred to the Senate Commerce Committee.**

SENATE BILL 603, Light-Duty Road Exemption-Building Supplies, would exempt the transportation of certain building supplies and equipment from the light-duty road weight limitations. **Introduced by Senator Jenkins and referred to the Senate Commerce Committee.**

SENATE BILL 610, HOV Lane Penalties, would authorize the Department of Transportation to designate one or more travel lanes as high occupancy vehicle lanes on streets and highways. Penalties for a violation of the high occupancy vehicle lane restrictions would be \$100 and two driver's license points. **Introduced by Senator Jenkins and referred to the Senate Judiciary I Committee.**

SENATE BILL 645, Code-Enforcement Official Exam Fees, would authorize North Carolina Code Officials Qualification Board to establish a maximum examination fee of \$125 and a maximum examination review fee of \$50. **Introduced by Senator Hoyle and referred to the Senate Finance Committee.**

SENATE BILL 646, Code Officials Professionalism, would provide funding to establish a professional development program for City and County Inspection Department Code Enforcement Officials. **Introduced by Senator Hoyle and referred to the Senate Appropriations Committee.**

SENATE BILL 664, Small Business Regulatory Improvement Act, would require State agencies to consider the potential adverse economic impact of proposed rules on small businesses. State agencies would be required to review existing rules prior to amendments to determine the impact on small business. The Small Business Regulatory Committee would be established to review proposed permanent rules. **Introduced by Senator Hartsell and referred to the Senate Commerce Committee.**

HOUSE BILL 606, Clarification of Legislative Oversight of Fees, would require all state agencies to consult with the Joint Legislative Commission on Governmental Operations before establishing or increasing any fees or charges to the general public or licensees. **Introduced by Representative Brubaker and referred to the House Rules Committee.**

HOUSE BILL 608, Consumer Credit Protection Act, would require any consumer credit reporting agency, upon the written request of a consumer, to place a security freeze on their account that would prohibit the agency from providing a consumer's credit report to a third party. The credit reporting agency would be required to implement a security freeze no later than five business days after receiving the request and no later than ten business days after the request, the agency must confirm in writing and inform the consumer of the procedure for removing a security freeze or permitting limited disclosures of the credit report. The agency would also provide the consumer with a unique personal identification number for the consumer's use in changing the security freeze. The credit reporting agency could charge the consumer up to \$10 per freeze unless the consumer submits a police report confirming that the consumer is a victim of identity theft. The Attorney General could initiate an action for injunctive relief, a civil penalty of up to \$2,500, reasonable costs and attorneys'

fees for a violation of the article. **Introduced by Representatives Moore, LaRoque and McGee and referred to the House Finance Committee.**

HOUSE BILL 623, Amend Taxation of Construction Money. This bill is identical to Senate Bill 291 which was summarized in a previous legislative report. **Introduced by Representatives Goforth and Saunders and referred to the House Finance Committee.**

HOUSE BILL 629, Option To Freeze Credit Report. This bill is identical to House Bill 608 which is summarized above in this week's legislative report. **Introduced by Representative Adams and referred to the House Finance Committee.**

HOUSE BILL 635, Public Comment At Local Board Meetings, would require a 30-minute comment period during each regular meeting of a local board of education, county board of commissioners or municipal governing board and would authorize the boards to establish reasonable rules regarding the comment period. **Introduced by Representative Jones and referred to the House Ways & Means Committee.**

HOUSE BILL 649, Straight Ticket For President, would provide that a straight-party vote would count for a party's nominees for President and Vice President. Currently voters must choose the President and Vice President in a separate vote. **Introduced by Representatives Moore, McGee, LaRoque and Daughtridg and referred to the House Election Law Committee.**

HOUSE BILL 658 Code Officials Professionalism. This bill is identical to Senate Bill 646 which is summarized above in this week's legislative report. **Introduced by Representative Holliman and referred to the House Insurance Committee.**

HOUSE BILL 666, HOV Lane Penalties. This bill is identical to Senate Bill 610 which is summarized above in this week's legislative report. **Introduced by Representative Cole and referred to the House Transportation Committee.**

HOUSE BILL 670, Commercial Drivers License Changes. This bill is identical to Senate Bill 598 which is summarized above in this week's legislative report. **Introduced by Representative Cole and referred to the House Transportation Committee.**

HOUSE BILL 684, Garnish Wages To Satisfy Judgments, would authorize the garnishment of a debtor's wages as an additional means of enforcing a civil judgment. Currently, North Carolina only allows wage garnishment for taxes and child support. **Introduced by Representatives Moore, Daughtridg, McGee and LaRoque and referred to the House Judiciary II Committee.**

HOUSE BILL 714, State Agencies May Withhold Certain Information, would allow State agencies to withhold information that would otherwise be open to inspection by the public under the open records law if it is in the best interests of the health, safety, or security of the employee or the department. **Introduced by Representative Coleman and referred to the House State Personnel Committee.**

HOUSE BILL 736, Code Enforcement Official Exam Fees. This bill is identical to Senate Bill 645 which is summarized above in this week's legislative report. **Introduced by Representative Holliman and referred to the House Finance Committee.**

HOUSE BILL 757, Small Business Regulatory Improvement Act. This bill is identical to Senate Bill 664 which is summarized above in this week's legislative report. **Introduced by Representatives Brubaker and Gibson and referred to the House Rules Committee.**

HOUSE BILL 761, Motor Carrier Amendments, would amend the Motor Carrier safety statutes to require that when a "for-hire" motor vehicle is operated in violation of registration and insurance verification requirements that the vehicle cannot be driven for any purpose until the vehicle is brought into compliance. **Introduced by Representative Williams and referred to the House Transportation Committee.**

HOUSE BILL 768, 2005 Omnibus Labor Law Changes, would make a variety of revisions to the Wage and Hour Act of North Carolina. The changes would include a provision that employees must be notified in writing at least 24 hours before any change in their wages and would remove language that required a complaint from an employee to his/her employer before the Commissioner had authority regarding a wage or hour issue. **Introduced by Representative Howard and referred to the House Judiciary II Committee.**

HOUSE BILL 779, Raise Compulsory School Attendance Age, would prohibit students from dropping out of school before the age of 18 and would increase the penalty for truancy. The penalty for aiding a student's unlawful absence from school would be increased from a Class 3 to a Class 1 misdemeanor. **Introduced by Representative Fisher and referred to the House Education Committee.**

HOUSE BILL 794, Voter Identification, would require that all voters provide either a valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document with the voters name and address before voting. **Introduced by Representatives Allred, Moore, Current and Hollo and referred to the House Election Law Committee.**

BILL UPDATES

HOUSE BILL 20, Small Business Health Insurance. This bill was approved in the House Insurance committee and was referred to the House Finance committee.

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