



## NORTH CAROLINA BURGLAR AND FIRE ALARM ASSOCIATION

Weekly Legislative Report  
April 06, 2005

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### INTRODUCTION

There was a vote on the bill allowing a lottery in North Carolina on the floor of the House today with the bill passing by a vote of 62-58. Speaker of the House, Jim Black, created a special committee to look at the lottery and he placed only those on the committee who supported the lottery to decide how funds received from the lottery should be used. The proceeds are expected to be \$400 million and are to be used for education, including school construction, financial aid and funding for the "More at Four" program. The Senate has approved the lottery the last several years and they will now consider the House bill. Many legislators have changed their position to support the lottery since North Carolina is now surrounded by States that have the lottery and feel that North Carolina is losing out on potential revenue.

The other issue that is receiving a lot of attention on Jones Street is a proposal to amend lobbying regulations. At one time the proposal included requiring lobbyists and legislators to report all spending both for legislators and for the executive branch, to limit spending to \$100 per legislator and to prohibit jumping from legislator to lobbyist for at least one year. The proposal has gone through many changes and although there is a great deal of discussion it is unclear whether these changes will ultimately be approved by the legislature.

The Senate and House continue to hold joint appropriations meeting regarding the budget. We expect the Senate to present their version of the budget within the next several weeks. The budget proposal will then be discussed again by the Senate committees for potential changes. In the past, the leadership has not allowed any changes unless funding could be taken from somewhere else in the budget. For example, you may want to add \$100,000 to a program in your county; however, you have to find \$100,000 somewhere else in the budget to cut and fight some other legislator for that position or proposal. Once the budget goes through the Senate process and is approved, the House will then review the Senate budget and draft their own proposal.

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

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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>.

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## BILLS OF INTEREST

SENATE BILL 686, Methamphetamine Laboratory Prevention Act, would increase the punishment for the manufacture of methamphetamine in an apartment or other multifamily dwelling. The bill would prohibit the sale of pseudoephedrine (an ingredient of most cold medicines) to anyone less than 18 years of age and would require pharmacists to maintain records of the names and addresses of all pseudoephedrine purchasers. The bill would also provide over \$800,000 to the Department of Justice for 13 State Bureau of Investigation positions. **Introduced by Senator Dalton and referred to the Senate Judiciary II Committee.**

SENATE BILL 700, Customized Industry Training Program, would establish the Customized Industry Training Program to help businesses remain productive and profitable. **Introduced by Senator Nesbitt and referred to the Senate Education Committee.**

SENATE BILL 701, Clarification of Legislative Oversight of Fees. This bill is identical to House Bill 606 which was summarized in a previous legislative report. **Introduced by Senator Nesbitt and referred to the Senate Judiciary I Committee.**

SENATE BILL 702, Raise Compulsory School Attendance Age. This bill is identical to House Bill 779 which was summarized in last week's legislative report. **Introduced by Senator Nesbitt and referred to the Senate Education Committee.**

SENATE BILL 719, Tax Credit For Sustaining North Carolina Economy, would provide a tax incentive to corporations by establishing a corporate income tax credit for businesses that file North Carolina income tax returns for five or more consecutive years and make long-term economic commitments in the State. **Introduced by Senator Hoyle and referred to the Senate Finance Committee.**

SENATE BILL 739, Health Insurance Market/Small Businesses, would open up the health insurance market for small employers in North Carolina by removing some of the financial and rate-setting requirements for trade association group health plans that meet certain conditions. **Introduced by Senator Rand and referred to the Senate Commerce Committee.**

SENATE BILL 756, Revise Building Commission Membership, would increase the membership of the State Building Commission from 9 to 12 members. The bill would require that the three new members be a commercial contractor, a minority business contractor, and an attorney who primarily practices in construction law. **Introduced by Senator Nesbitt and referred to the Senate Commerce Committee.**

SENATE BILL 774, Seat Belt Use Enhancements, would revise the current seat belt laws to encourage and increase the use of seat belts by requiring all occupants of a vehicle to wear a seat belt while the vehicle is in motion and to increase the penalty for a violation from \$25 to \$50. The bill would also require that one driver's license point be given for a violation involving a driver or passenger under the age of 16. **Introduced by Senator Purcell and referred to the Senate Judiciary II Committee.**

SENATE BILL 783, Report/Hacker/Fraudulent Access to ID Data, would require businesses that collect personal information to notify affected individuals and the Attorney General's office of unauthorized and fraudulent access to personal information immediately following a security breach. If a business failed to comply, a civil penalty of \$100,000 would be imposed for a first offense, \$150,000 for a second offense, and \$300,000 for any other offenses. **Introduced by Senator Forrester and referred to the Senate Commerce Committee.**

SENATE BILL 792, Clarify Public Records Laws, would provide that notes taken during a closed session ( including handwritten notes) from which minutes of the closed session are created are public records and may only be withheld from public inspection if it would frustrate the purpose of the closed session. The Bill would also provide that cellular numbers and pager numbers of law enforcement officers who are acting in the course of their employment are not public records and do not have to be disclosed. **Introduced by Senator Phil Berger and referred to the Senate Judiciary I Committee.**

SENATE BILL 793, Government Agencies Limit Release of Social Security Numbers, would amend the State Privacy Act to limit the release of social security numbers by prohibiting them on citations and prohibiting state and local government agencies from disclosing or displaying social security numbers. **Introduced by Senator Phil Berger and referred to the Senate Judiciary I Committee.**

SENATE BILL 823, Insurance Discount For Safe Driving Class, would authorize the Commissioner of Insurance and the North Carolina Rate Bureau to adopt rules requiring insurance companies to give insurance discounts to anyone who completes driver safety courses or programs. **Introduced by Senator Jenkins and referred to the Senate Commerce Committee.**

SENATE BILL 833, Protect Consumers/ADS for Lodging, would make the failure to provide promised lodging accommodations, number and size of beds, an unfair and deceptive trade practice if a person has prepaid or reserved the price of accommodations by credit card. **Introduced by Senator Kinnaird and referred to the Senate Commerce Committee.**

SENATE BILL 845, Strengthen Requirements for Issuing Building Permits, would provide \$10,000 to the North Carolina Code Officials Qualification Board to ensure that building inspectors enforce the requirements for issuing building permits under the current law. The board would be authorized to bring disciplinary actions against any building inspector who improperly issues a building permit. **Introduced by Senator Swindell and referred to the Senate Appropriations Committee.**

SENATE BILL 881, Insurance Points for Lapse In Auto Coverage, would require the Commissioner of Insurance and the North Carolina Rate Bureau to assign insurance points for lapses in car insurance coverage when lapses occur more than once in a 36 month period. One insurance point would be given for a second lapse and two points for any additional lapses within a 36 month period. **Introduced by Senator Garrou and referred to the Senate Commerce Committee.**

SENATE BILL 921, Consumer Credit Protection Act. This bill is identical to House Bill 608 which was summarized in a previous legislative report. **Introduced by Senator Jacumin and referred to the Senate Commerce Committee.**

SENATE BILL 922, Small Business Friendly Regulation, would require any agency that proposes a permanent rule change that would have a negative impact on small business to obtain a fiscal note for the proposed rule change and have that note approved by the Office of State Budget and Management. The bill would also provide for periodic review of existing rules. **Introduced by Senator Jacumin and referred to the Senate Commerce Committee.**

SENATE BILL 923, Labor/Mandatory Lunch Break, would amend the labor laws of North Carolina to require lunch breaks for employees. **Introduced by Senator Clodfelter and referred to the Senate Commerce Committee.**

SENATE BILL 935, No Social Security on Health ID Cards, would make it illegal for an insurer to provide an individual's social security number on a member identification card or otherwise disclose an individual's social security number. **Introduced by Senator Garrou and referred to the Senate Judiciary I Committee.**

SENATE BILL 941, Flag, Pledge, and Symbols Taught In Public Schools, would require local boards of education to adopt policies for the display of the United States and North Carolina Flags and ensure that students have an opportunity to recite the pledge of allegiance. The bill would also require education on the historical origins of the flag, pledge of allegiance, and meaning of state symbols. **Introduced by Senator Thomas and referred to the Senate Education Committee.**

SENATE BILL 969, Amend Workers' Comp. Act-3, would amend the law regarding workers' compensation. **This is a blank bill which has been filed without any content. The language above is the short title and long title. Introduced by Senator Doug Berger and referred to the Senate Rules Committee.**

SENATE BILL 977, Conform Tax Filing Extensions, would authorize an automatic extension of time to file a state tax return when the taxpayer receives an extension of time to file their federal tax return. The amendment would apply to tax returns or reports due after July 1, 2005. **Introduced by Senator Webster and referred to the Senate Finance Committee.**

SENATE BILL 984, Amend Workers' Compensation Act, would make a variety of changes regarding the Worker's Compensation Act including adding a provision that would deny compensation if the injury or death was due to an employee's impairment by alcohol or drugs. A positive drug test would be considered conclusive evidence of impairment and refusal to submit to a test would generally bar an employee from compensation. The bill would also set a 90 day deadline to determine an Employee's right to compensation and a two week deadline for employers to pay compensation beginning from the date the employer completes the investigation. The Industrial Commission would be allowed to extend these deadlines. The bill would further require an employee who claims to have a work related injury or illness to waive confidentiality regarding mental information related to that condition. A provision would be repealed that allowed an

employee to refuse suitable employment even with good cause and continue to receive compensation. **Introduced by Senator Hoyle and referred to the Senate Appropriations Committee.**

SENATE BILL 996, Personal Information Privacy Study, would authorize the Legislative Research Commission to do a comprehensive study of issues related to the use of personal information and privacy protection. **Introduced by Senator Cowell and referred to the Senate Rules Committee.**

SENATE BILL 1006, Low-Emission Vehicles/Funds, would authorize the North Carolina Environmental Management Commission to adopt rules to start a low emission vehicle program. These rules would apply to all 2007 and later model light duty cars and light duty trucks. **Introduced by Senator Clodfelter and referred to the Senate Agriculture Committee.**

SENATE BILL 1015, Alternative Fuel Vehicle Tax Credit, would establish a tax credit for the purchase or lease of alternative fuel vehicles in the amount of \$2,000 to help reduce the dependence on imported oil and improve air quality. **Introduced by Senator Jenkins and referred to the Senate Finance Committee.**

SENATE BILL 1040, Prohibit Human Cloning, would prohibit human cloning by making it a Class H felony to clone, attempt to clone or participate in cloning a human being. The bill would also make using public funds or public facilities to clone or attempting to clone a human being a Class H felony. **Introduced by Senator Phil Berger and referred to the Senate Health Care Committee.**

SENATE BILL 1048, Identity Theft Protection Act of 2005, would enact the Identity Theft Protection Act, which would prohibit businesses from making social security numbers available to the public and would establish minimum damages of \$500.00 for identity theft. The bill would require credit agencies to place security freezes within 5 days of receiving a request and would require businesses to protect against unauthorized access to personal information. Businesses that have personal information must notify individuals when there has been a security breach as soon as possible after the breach, unless the breach is unlikely to subject the individual to risks. The bill also prohibits the use of social security numbers by state and local government agencies. **Introduced by Senator Clodfelter and referred to the Senate Judiciary I Committee.**

SENATE BILL 1064, Terri Schiavo Act, would allow that the Legislative Research Commission to study the issue of integrating a living will with the driver's license process, similar to organ donation. **Introduced by Senator Goodall and referred to the Senate Rules Committee.**

SENATE BILL 1075, North Carolina Education Lottery, would create a North Carolina Education Lottery with proceeds going to school construction projects, a voluntary statewide pre-kindergarten program for at risk 4 year olds, reduction of class size, and more one-on-one instruction in public schools. **Introduced by Senator Rand and referred to the Senate Ways & Means Committee.**

SENATE BILL 1095, 2005 State Lottery for Education/Seniors, would establish a state lottery to provide funds to support education, capital programs and prescription drugs for seniors. A seven

member North Carolina State Lottery Commission would be created. The bill would make it a Class 1 misdemeanor to sell a lottery ticket or game to a person under 18 years of age. **Introduced by Senator Boseman and referred to the Senate Ways & Means Committee.**

SENATE BILL 1096, Flag, Pledge, and Symbols Taught In Schools. This bill is identical to Senate Bill 941 which is summarized above in this week's legislative report. **Introduced by Senator Boseman and referred to the Senate Education Committee.**

SENATE BILL 1098, No Third Party Release of Social Security Number, would prohibit third parties, including state and local government agencies, from disclosing an individual's social security number without that individual's express consent, unless the release is made pursuant to a state or federal law that specifically requires disclosure. **Introduced by Senator Boseman and referred to the Senate Judiciary I Committee.**

SENATE BILL 1112, Amend Workers' Compensation Act-2, would amend the law regarding worker's compensation. **This is a blank bill which has been filed without any content. The language above is the short title and long title. Introduced by Senator Doug Berger and referred to the Senate Rules Committee.**

SENATE BILL 1143, Immunity For Certain City/County Officers, would provide immunity protection to municipalities and counties and their officers and employees when performing public safety duties and activities related to building inspections. This amendment would not apply to actions arising out of the operation of motor vehicles. **Introduced by Senator Hartsell and referred to the Senate Judiciary II Committee.**

SENATE BILL 1151, Amend Workers' Compensation Act-1. **This is a blank bill which has been filed without any content. Introduced by Senator Doug Berger and referred to the Senate Rules Committee.**

HOUSE BILL 829, Display of American Flag, would require local governments to permit the display of the United States flag if it is in conformity with federal patriotic customs and is on private or public property. The law would allow reasonable restrictions on the size, number, location and height of flag displays. **Introduced by Representatives Capps, Owens, Crawford and Langdon and referred to the House Judiciary I Committee.**

HOUSE BILL 851, Same Day Registration at One-Stop Sites, would provide \$75,000 to the state board of elections to provide in person registration and voting at one stop early voting sites. **Introduced by Representatives Ross, McComas, Parmon and Holliman and referred to the House Election Committee.**

HOUSE BILL 891, Master Keys/Lock-Picking Devices Regulated. This bill is identical to Senate Bill 477 which was summarized in a previous legislative report. **Introduced by Representative Alexander and referred to the House Judiciary I Committee.**

HOUSE BILL 944, Adopt the Salute to the North Carolina Flag, would adopt the salute to the flag of North Carolina as the official pledge to the State flag. **Introduced by Representative Goodwin and referred to the House State Government Committee.**

HOUSE BILL 977, Two-Thirds Vote to Levy Taxes, would require a voter referendum to amend the Constitution of North Carolina and to require a two-thirds vote before the General Assembly could levy any new State taxes. **Introduced by Representative Blust and referred to the House Rules Committee.**

HOUSE BILL 978, Recall Elections, would allow a voter referendum to amend the North Carolina Constitution to allow for recall elections for any office established by the Constitution upon the petition of at least 25% of registered voters. **Introduced by Representative Blust and referred to the House Rules Committee.**

HOUSE BILL 981, Initiative, would require a voter referendum to amend the North Carolina Constitution and would allow referendums on proposed amendments to the Constitution to be submitted by petitions signed by at least 25% of qualified voters. **Introduced by Representative Blust and referred to House Rules Committee.**

Colleen Kochanek  
NCBFAA Legislative Counsel  
Holt York McDarris & High, LLP  
[ckochanek@hymh.com](mailto:ckochanek@hymh.com)  
[www.hymh.com](http://www.hymh.com)