

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

Legislative Fiscal Note

BILL NUMBER: House Bill 1105 (Third Edition)

SHORT TITLE: Amend Laws/Refrigeration Contractors.

SPONSOR(S): Representative Martin

FISCAL IMPACT				
	Yes ()	No (X)	No Estimate Available ()	
	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u> <u>FY 2013-14</u>
REVENUES:	*No Fiscal Impact Expected*			
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	State Board of Refrigeration Examiners			
EFFECTIVE DATE:	Except as otherwise indicated, this act is effective when it becomes law.			

BILL SUMMARY:

House Bill 1105 does all of the following.

Section 1 provides that "refrigeration trade business" does not apply to either of the following:

- The installation of self-contained commercial refrigeration units equipped with an Original Equipment Manufacturer molded plug that does not require the opening of service valves or the replacement of lamps, fuses, and door gaskets.
- The installation and servicing of domestic household self-contained refrigeration appliances equipped with an OEM molded plug connected to suitable receptacles which have been permanently installed and do not require the opening of service valves.

Section 2 provides that regular examinations for licensing in refrigeration are to be given in the office of the State Board of Refrigeration Examiners Board (Board) by appointment (was, given in the months of April and October annually and additionally as the Board deems necessary).

Section 3 authorizes the Board to adopt and publish rules and regulations (was, guidelines) consistent with the provisions of GS Chapter 87, Article 5 and GS Chapter 150B (was, Article 5). This section would become effective October 1, 2009.

Section 4 provides that when the Board accepts an offer to compromise the charge where the accused pays a penalty (not to exceed \$1,000) to the Board, the penalty funds are to be remitted to the Civil Penalty and Forfeiture Fund (was, the General Fund).

Section 5 changes the penalty for violations of Article 5 from a Class 2 misdemeanor to a Class 3 misdemeanor. This section would become effective December 1, 2009, and would apply to offenses occurring on or after that date.

Section 6 authorizes the Board to employ or retain legal counsel for matters and purposes the Board deems fit and proper. The Board is still subject to the statute requiring agencies of the State to obtain written permission from the Attorney General prior to employing private counsel.

Section 7 authorizes the Board to own or otherwise deal with real property in the same manner as a private person or a corporation, subject only to the approval of the Governor and the Counsel of State. It provides that collateral pledged by the Board for an encumbrance is limited to the assets, income, and revenues of the Board. It provides that the Board may rent or purchase equipment and supplies, and purchase insurance to cover its activities, operations, or employees.

Section 8 allows the Board to require, as part of the any renewal of a license, that licensees complete continuing education in subjects related to refrigeration contracting. The section would become effective January 1, 2012.

Source: adopted from the bill analysis done by the Committee Counsel for the House Finance Committee on May 12, 2009

ASSUMPTIONS AND METHODOLOGY:

House Bill 1105 includes additional services that individuals may perform on refrigeration devices without a license and makes clarifying changes to the statutes regarding the State Board of Refrigeration Examiners. According to the Board, none of these changes are expected to have a fiscal impact.

SOURCES OF DATA: State Board of Refrigeration Examiners

TECHNICAL CONSIDERATIONS: None

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DATE: May 13, 2009



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