



NORTH CAROLINA BURGLAR AND FIRE ALARM ASSOCIATION

LEGISLATIVE REPORT

FEBRUARY 19, 2007

THIS LEGISLATIVE REPORT IS A MEMBER BENEFIT OF NCBFAA AND USE AND REPRODUCTION OF THIS REPORT IS LIMITED TO NCBFAA AND ITS MEMBERS.



INTRODUCTION

The big news last week at the General Assembly was that former House Speaker Jim Black pleaded guilty to a felony and admitted to improperly taking money from chiropractors on four different occasions and converting this money to his personal use. Although no one at the Legislature was very surprised that Speaker Black was the target of an investigation, most, if not all, were very surprised by the actual revelations that occurred in federal court. While the press has extensively covered campaign problems, the payment to Representative Decker, and the blank check issue, the information that he actually took money from a special interest came as a surprise to most, if not all lobbyists and legislators. The revelation brought a somber mood to the General Assembly and some lobbyists and legislators may be fearful of the information that Speaker Black may provide to investigators regarding other activities in the last eight years of his leadership at the General Assembly.

The new leadership in the House announced its committees for the 2007 Session on Monday evening, February 12, 2007. The House has spread power throughout the Chamber by appointing 38 different legislators as committee chairpersons and an additional 12 legislators as subcommittee chairpersons of either the Appropriations Committees or the Education Committees. In addition, the House will have 8 Appropriations co-chairs and all are different from last session except for Representative Jim Crawford who will be the only remaining member of last session's Appropriations Committee.

Both the House and the Senate will welcome Governor Easley to the Chamber today, Monday, February 19, 2007 for his annual State of the State Address. In the past, Governor Easley has used this address to gather support for his legislative proposals. We expect the Governor to continue to push his education agenda and would expect some new initiatives out of the Governor's office regarding both education and mental health services.

After the State of the State Address on Monday, we expect the Session to kick into high gear with committees meeting on a regular basis. Most of the bills that were filed in the last two and a half weeks have now been assigned to a committee for discussion and debate. It is reported from the bill drafting office that the request for bills from legislators has increased by almost 40% over the 2005 Session to date and that there are over 1,300 bills being worked on by the legislative staff to be introduced during the next month. With new leadership in the House and the avalanche of bills that will be filed this year, we expect a long session.



HOUSE COMMITTEES

<u>Committee</u>	<u>Chairman</u>	<u>Vice Chairman</u>
Aging	Rep. Farmer-Butterfield	Rep. Bordsen Rep. Clary Rep. Jones Rep. Pierce
Agribusiness and Agricultural Economy	Rep. Faison	Rep. Hill Rep. West
Agriculture	Rep. Hill	Rep. Bell Rep. Braxton Rep. Brisson Rep. Faison Rep. Lewis Rep. Williams
Alcoholic Beverage Control	Rep. Lucas	Rep. Gibson Rep. Grady
Appropriations	Rep. Adams Rep. Alexander Rep. Crawford Rep. Haire Rep. Jeffus Rep. Michaux Rep. Tolson Rep. Yongue	
Appropriations Subcommittee on Capital	Rep. Womble Rep. Wright	Rep. Church Rep. Grady
Appropriations Subcommittee on Education	Rep. Glazier Rep. McLawhorn Rep. Rapp	Rep. Bell Rep. Johnson Rep. Lucas
Appropriations Subcommittee on General Government	Rep. Goforth Rep. Underhill	Rep. Fisher Rep. Steen Rep. Tucker

Colleen Kochanek is an attorney at Smith Moore LLP and is legislative counsel for the North Carolina Burglar and Fire Alarm Association. She can be reached at 919.755.8700 or at colleen.kochanek@smithmoorelaw.com. The Legislative Report is a publication of Smith Moore and may not be copied without prior written permission.



Appropriations Subcommittee on Health and Human Services	Rep. Earle Rep. England Rep. Insko	Rep. Barnhart Rep. Clary Rep. Coleman
Appropriations Subcommittee on Justice and Public Safety	Rep. Bordsen Rep. Love	Rep. Kiser Rep. Ray Rep. Spear Rep. Sutton Rep. R. Warren
Appropriations Subcommittee on Natural and Economic Resources	Rep. McAllister Rep. E. Warren	Rep. Harrison Rep. Justice Rep. Wilkins
Appropriations Subcommittee on Transportation	Rep. Coates Rep. Cole	Rep. Allen Rep. Blue Rep. Holmes Rep. Saunders
Assistant to the Speaker	Rep. Cunningham	
Children, Youth and Families	Rep. Pierce	Rep. Farmer-Butterfield Rep. McAllister Rep. Wiley
Commerce, Small Business and Entrepreneurship	Rep. Dickson	Rep. Carney Rep. Daughtridge Rep. Starnes Rep. Wilkins
Education	Rep. Bell Rep. Lucas	
Education Subcommittee on Community Colleges	Rep. Wilkins Rep. Wray	Rep. Bordsen Rep. England Rep. Walker
Education Subcommittee on Pre-School, Elementary and Secondary Education	Rep. Fisher Rep. Parmon	Rep. Blackwood Rep. Jeffus Rep. McLawhorn

Colleen Kochanek is an attorney at Smith Moore LLP and is legislative counsel for the North Carolina Burglar and Fire Alarm Association. She can be reached at 919.755.8700 or at colleen.kochanek@smithmoorelaw.com. The Legislative Report is a publication of Smith Moore and may not be copied without prior written permission.



Education Subcommittee on Universities	Rep. McAlliser Rep. Womble	Rep. Current Rep. Dollar Rep. Insko Rep. Tarleton Rep. E. Warren
Election Law and Campaign Finance Reform	Rep. Goodwin	Rep. Kiser Rep. Luebke Rep. Ross
Energy and Energy Efficiency	Rep. Harrison	Rep. Tolson Rep. Walend
Environment and Natural Resources	Rep. Allen	Rep. Gillespie Rep. J. Harrell Rep. Harrison Rep. Justice Rep. Tarleton Rep. Underhill
Ethics	Rep. Howard Rep. Ross	Rep. Brubaker Rep. Yongue
Ex Officio Members of all Committees	No members yet	
Federal Relations and Indian Affairs	Rep. Blue Rep. Sutton	Rep. Frye Rep. Martin
Finance	Rep. Gibson Rep. Luebke Rep. Wainwright Rep. Weiss	Rep. Hill Rep. Holliman Rep. Howard Rep. McComas Rep. Womble
Financial Institutions	Rep. Church	Rep. Brubaker Rep. Carney Rep. Williams
Health	Rep. Wright	Rep. Earle Rep. England Rep. Justus

Colleen Kochanek is an attorney at Smith Moore LLP and is legislative counsel for the North Carolina Burglar and Fire Alarm Association. She can be reached at 919.755.8700 or at colleen.kochanek@smithmoorelaw.com. The Legislative Report is a publication of Smith Moore and may not be copied without prior written permission.



Homeland Security, Military and Veterans Affairs	Rep. Martin	Rep. Blust Rep. Cunningham Rep. Pate Rep. Wright
Insurance	Rep. Goforth Rep. Holliman	Rep. Bryant Rep. Dickson Rep. Dockham Rep. Setzer
Judiciary I	Rep. Ross	Rep. Goodwin Rep. Stam Rep. Stiller
Judiciary II	Rep. Blue	Rep. Glazier Rep. Love Rep. Weiss
Judiciary III	Rep. Sutton	Rep. Daughtry Rep. Faison Rep. R. Warren
Juvenile Justice	Rep. Bordsen	Rep. Haire Rep. Kiser Rep. Mobley
Local Government I	Rep. Tucker	Rep. Braxton Rep. Langdon
Local Government II	Rep. Jones	Rep. Adams Rep. Allen
Mental Health Reform	Rep. Earle Rep. Insko	Rep. Alexander Rep. Barnhart
Pensions and Retirement	Rep. Bell Rep. J. Harrell	Rep. Coleman Rep. Folwell Rep. Holloway Rep. McGee
Public Utilities	Rep. Saunders	Rep. Brubaker Rep. Coates

Colleen Kochanek is an attorney at Smith Moore LLP and is legislative counsel for the North Carolina Burglar and Fire Alarm Association. She can be reached at 919.755.8700 or at colleen.kochanek@smithmoorelaw.com. The Legislative Report is a publication of Smith Moore and may not be copied without prior written permission.



Rules, Calendar, and Operations of the House	Rep. Owens	Rep. Glazier Rep. Hill Rep. Luebke Rep. Ross
Science and Technology	Rep. Jones	Rep. Gulley Rep. T. Harrell Rep. Tolson
State Personnel	Rep. Coleman	Rep. Almond Rep. Church
Transportation	Rep. Carney	Rep. Coates Rep. Cole Rep. Crawford Rep. Hilton Rep. McComas Rep. Williams
University Board of Governors Nominating	Rep. Dickson	Rep. Bryant Rep. Haire Rep. Moore
Ways and Means	Rep. J. Harrell	Rep. Allred Rep. Hall Rep. Michaux Rep. Owens Rep. Wainwright
Wildlife Resources	Rep. Williams	Rep. Cleveland Rep. Spear Rep. Wray

The House and Senate adjourned on Thursday and will reconvene this Monday evening for the Governor’s State of the State Address.

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>.

Colleen Kochanek is an attorney at Smith Moore LLP and is legislative counsel for the North Carolina Burglar and Fire Alarm Association. She can be reached at 919.755.8700 or at colleen.kochanek@smithmoorelaw.com. The Legislative Report is a publication of Smith Moore and may not be copied without prior written permission.



BILLS OF INTEREST

HOUSE BILL 153, Local Option Tax Menu, would allow counties and cities to charge a menu of local option taxes if approved by the voters in that county or city. The menu of taxes would include: (1) a sales tax; (2) an impact tax per square foot of dwelling space or enclosed floor space in commercial buildings; (3) a meals tax; (4) a room occupancy tax; (5) an income tax; and (6) a land transfer tax. The sales taxes would not apply to food and any taxes that would be charged by a county would be shared with the municipalities in that county the same as they are currently shared through local sales tax. **Introduced by Representative Michaux and referred to the House Finance Committee.**

HOUSE BILL 157, Fire Protection Funds for UNC Pembroke, would provide funds to the University of North Carolina at Pembroke for adequate fire protection services. **Introduced by Representatives Yongue, Sutton, and Pierce and referred to the House Appropriations Committee.**

HOUSE BILL 165, Line-Item Veto, would allow a referendum to amend the North Carolina Constitution to give the Governor a line-item veto over appropriation items in the budget presented by the Legislature. **Introduced by Representative Blust and referred to the House Rules Committee.**

HOUSE BILL 185, Voter Identification, would require every voter to provide identification before voting which could include a current and valid photo identification or a copy of a document showing the name and address of the voter including a current utility bill, bank statement, government check, paycheck, or other government document. Currently, only those individuals who registered by mail and had not previously voted in North Carolina are required to present identification. **Introduced by Representatives Moore and Current and referred to the House Rules Committee.**

HOUSE BILL 246, Recall Elections, would allow voters to amend the Constitution of North Carolina to allow a recall election to take place for any office established by the Constitution. The voters could recall an elected official upon a petition of at least 25% of the registered voters in the area covered by the election that put the person in office. No recall would be permitted in the last six months of a person's term of office and only one recall election would be allowed within a single term. **Introduced by Representative Blust and will be referred to a House Committee this week.**



SENATE BILL 124, Local Government Regulation of Smoking, would empower local governments to adopt laws, rules, or ordinances regulating smoking in public places. Current law prohibits local governments from amending laws regulating the use of tobacco. **Introduced by Senator Rand and referred to the Senate Judiciary I Committee.**

SENATE BILL 132, Protect Children from Sexual Predators Act. This bill is a comprehensive revision to the laws regarding sexual predators and includes a variety of issues that have been covered in other bills this session. The bill revises the law in regard to the following general topics:

- The bill would expand the scope of pornography laws by amending the definition of sexual activity and increasing penalties for first, second, and third degree sexual exploitation of a minor.
- The bill would provide that it is illegal for an owner or operator of a social networking website to allow a minor to use a protected computer or create or maintain a profile on a web page without the permission of the minor's parent or guardian. In addition, the website would have to allow the parent or guardian access to the web page and provides penalties for those websites or social networks that do not comply.
- The bill would provide that a film processor, photo finisher, or computer technician who, in the course of their work, encounters images of minors engaging in sexual activity must report the name of the customer to the appropriate authorities.
- The bill would require that penalties be increased for offenses that include soliciting a child by computer to commit an unlawful sex act.
- The bill would make it a felony to lie to a sworn SBI agent conducting an official investigation.
- The bill would allow the creation of an investigative grand jury for additional crimes besides those related to controlled substances as is currently the law and would amend the procedure for convening the investigative grand jury.

Introduced by Senator Dalton and referred to the Senate Judiciary II Committee.

SENATE BILL 156, Session Limits, would allow a referendum to be held in the next election to amend the North Carolina Constitution to limit the length of legislative sessions. The sessions would be limited to 135 calendar days during the long session (odd numbered years) and to 60 calendar days during the short session (even numbered years) beginning with the 2009 regular session.



Sessions could be extended by joint resolution for up to 10 days and the Governor could still convene sessions without limitation. **Introduced by Senator Hoyle and referred to the Senate Ways and Means Committee.**

SENATE BILL 171, Raise Compulsory School Attendance Age, would raise the compulsory school attendance age from 16 to 17 effective July 1, 2009 and would raise it again from 17 to 18 effective July 1, 2011. The law would also specify that a child must attend school until the child graduates. **Introduced by Senator Garrou and referred to the Senate Education Committee.**

SENATE BILL 178, Tuition Discount for Fire Science Programs, would provide a discount in tuition for any student who enrolls in a fire science degree program at any University of North Carolina college or community college system. **Introduced by Senator Rand and referred to the Senate Education Committee.**

SENATE BILL 201, Increase Criminal Penalty/Theft of Metals, would strengthen the law that regulates the sale of certain metals by secondary metal recyclers. The law would also increase the criminal penalties for violations of those regulations, for illegal sales, and for the injury or destruction of wires, phone, telegraph, and electrical fixtures. The law would require that a secondary metals recycler who purchases regulated metals must gather the following information: (1) the address where the metals were obtained by the seller; (2) the license plate number of the vehicle used to deliver the metals; and (3) a photocopy of the North Carolina driver's license or identification card of the person delivering the property. A secondary metals recycler would be prohibited from completing the transaction if this information is not provided. A violation would be a Class 1 misdemeanor for the first offense and a Class I felony for the second or subsequent violations. The bill would also make it a Class I felony to injure, destroy, or pull down any telegraph, telephone, or electric power transmission pole, wire, insulator, or other attached fixture with the intent to sell or use the material for direct gain. **Introduced by Senator Rand and will be referred to a Senate committee this week.**

— Colleen Kochanek
NCB&FAA Legislative Counsel
Smith Moore LLP
colleen.kochanek@smithmoorelaw.com
www.smithmoorelaw.com