



Representative W. David Guice
North Carolina House of Representatives
District 113



The following remarks were made by Representative W. David Guice on the floor of the North Carolina House of Representatives on Friday, June 12, 2009. These remarks were made in opposition to Senate Bill 202, the Appropriations Act of 2009.

Over the past few days I have taken the time to put some of my thoughts and concerns about this budget and this budget process down on paper. I want to share those with you tonight.

Colleagues and friends, I joined this chamber earlier this year with the hope to make a true difference for the people of my district and all people throughout North Carolina. Over the last several months I have come to know many of you and count many of you as friends – across the aisle, regardless of party affiliation. I believe, as many of you do, that we are here for a solemn purpose - to make better the lives of all North Carolinians. I am deeply concerned about the budget proposal we are discussing here tonight. These are historic times in our state and I believe it is important for all of our voices to be heard.

The entire budget writing process is flawed. When I was sworn-in in January I brought with me the experience of being a state employee for over 30 years, a small business owner for over 20 years and a former two-term county commissioner. I have managed my finances personally, professionally and helped to write the budget for 8 years in Transylvania County. I have witnessed things during my short time in this legislative body that I have never seen before personally or professionally. I have seen recommendations, downright pleas, from departmental staff and leaders thrown to the side without giving them the thought they deserve. My friends, we owe the people of North Carolina better.

We have heard and many will continue to say that this budget is a compromise and that those who vote against it are simply supporting more programmatic cuts. To those, I would like to say that this is not nearly that simple. We currently face an economic downturn that many of us in this building have not seen personally and certainly have never had to manage from a legislative perspective. To not allow every voice, every opinion, every question and every concern in this chamber to be heard throughout this process is simply irresponsible. For a select few to write a budget that impacts each person throughout our state is unacceptable. Democrats and Republicans, alike, have been left out of these budget discussions. We learn about budget happenings faster by reading statewide newspapers. Each of us is elected to represent the people of North Carolina and our job is made that much harder when we are not allowed to sit at the table, when we are not allowed to ask the necessary questions and when we are not allowed to engage in the needed discussion about this budget. We owe the people of North Carolina better.

I have received countless email and phone calls from people throughout my district and from all over North Carolina with questions and concerns about the overall budget and specific programs. They are genuinely afraid of the outcome. Many of them even acknowledge that they understand that this budget will set us back years, perhaps decades, as a state. As a former member of the criminal justice system I do not believe that a trial can be carried out through the court of public opinion and I certainly do not believe that a budget can be written by releasing small bits of information to the public simply to scare them. Whether we choose to admit that or not, fear tactics have been used throughout this process to write this budget. That is unacceptable and irresponsible. Those in control of the budget process have not been fair, up front or honest with people throughout our state. We owe the people of North Carolina better.

I know I might be old fashioned, but I believe that to truly write an honest and transparent budget we must look at each item, line by line and make decisions based on priorities. It is important to support our educational system, strengthen our justice and public safety systems, protect the most vulnerable of our population, children and older adults, and work to make progress on issues such as mental health, healthcare and the environment. Throughout this entire process we must also look for ways to reduce the size of state government, streamline government operations and make government more efficient. I do not believe that we have thoroughly discussed our priorities and I certainly do not believe we have looked at ways to streamline state government.

Let me give you a quick scenario as an example. Last fall we elected June Atkinson as the North Carolina Superintendent of Public Instruction. She is paid an annual salary of \$123,198. Governor Perdue appointed William Harrison to the post of Chief Executive Officer of the North Carolina State Board of Education and he is paid an annual salary of \$265,000. At one point this budget proposal talked about eliminating over 6,000 teaching positions, all the while we were going to continue paying two people top level salaries to essentially do the same job. Honestly, what kind of sense does that make? Government is meant to be a place where the people can come together, present their common problems, find common solutions and then government is supposed to get out of the way. Government is not meant to be a machine that simply creates high paying jobs for people who are really not doing the needed and important work on the ground. My friends, we owe the people of North Carolina better.

I have shared with you tonight just some of the problems I have with this current budget proposal. Let me be clear for all of those that might say I support more cuts. I do not support more frivolous cuts – I support looking at areas of state government where there is waste and then eliminating that waste. And yes, there is waste. I believe in supporting our school teachers, I believe in supporting our law enforcement officers, I believe in supporting those people that are actually on the ground making a difference in the lives of all people throughout North Carolina. I do not; however, believe in supporting high paid positions at the top and perpetuating a government that does not work for the people.

Only history will be the true judge of this process and of our actions. We owe the people of North Carolina better.



Representative W. David Guice
North Carolina House of Representatives
District 113



The following remarks were made by Representative W. David Guice on the floor of the North Carolina House of Representatives on Thursday, July 23, 2009. These remarks are about preventing forced annexation throughout North Carolina.

My friends, I stood on the floor of this chamber a few weeks ago and talked about how the people of North Carolina deserve better. I still believe that the people of this great state deserve better.

Personal property and the protection of that personal property are extremely important and have been throughout our history as a nation. In 1774, John Jay, the first Chief Justice of the United States Supreme Court, stated, "No power on earth has a right to take our property from us without our consent" and President William Howard Taft said this about property, "Next to the right of liberty, the right of property is the most important individual right guaranteed by the Constitution and the one which, united with that of personal liberty, has contributed more to the growth of civilization than any other institution established by the human race." As you can see the issue of personal property has maintained a place at the forefront of our public policy debates throughout our history.

This issue is extremely important and we must give it the necessary time for debate and discussion. All members must be involved in this process as there are many differing opinions on the issue of annexation. It is important to balance the needs of our cities with the needs of our unincorporated areas – all the while protecting the personal property rights of the people.

Some will say that House Bill 524 is a compromise bill and that it does do something to help prevent forced annexation; however, I contend that if we are serious about preventing forced annexations throughout North Carolina, then we must act on that issue and craft legislation to prevent it – period. It is important that we protect the rights of the people, taking all aspects of this argument into consideration. We cannot and should not make policy based on what might be potential political gain. We must do what is right and in the best interests of the people of North Carolina. This bill is a start; therefore, it will have my support but we must work to strengthen laws in North Carolina to truly prevent forced annexation. It is imperative that we continue to build on this legislation, continuing the good work to ensure that the rights of all people throughout North Carolina are protected, to include personal property rights and permanently put an end to forced annexation in our state. The voice of the people cannot be drowned out by the will of government to expand its control.

My friends the people of North Carolina deserve better.

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Representative W. David Guice
North Carolina House of Representatives
District 113



The following remarks were made by Representative W. David Guice on the floor of the North Carolina House of Representatives on Tuesday, July 14, 2009. These remarks were made in opposition to Senate Bill 461, the North Carolina Racial Justice Act.

My friends, I stand before you today not only as a member of this legislative body but also as a retired member of the criminal justice system. Over the past few days I have talked with members of the criminal justice system about this legislation; listening to their concerns and feedback. I want to talk with you today about a few of these concerns.

Senate Bill 461, the North Carolina Racial Justice Act, calls into question our entire judicial system. These questions not only resound now, in our present time, but throughout our history as well. By seriously debating this legislation and potentially passing it we are calling into question the authenticity of the actions of our prosecutors, judges and jurors. Additionally, we are calling into question the intent of our founding fathers when they designed our judicial system. Our judicial system is based on fact and not assumptions – blind to race, color and creed – truly blind to all external circumstances. This bill does nothing to strengthen the judicial system in our great state.

Many, to include me, say that the protections sought in this legislation already exist in the Fifth and Fourteenth Amendments to the Constitution of the United States and within the language of the North Carolina Constitution. Due process and equal protection under the law are outlined throughout these amendments and in both our federal and state constitutions. Individuals are protected from judicial bias based on race, color, religion, socioeconomic status or national origin. I do not understand why we need an additional law, which will undoubtedly create additional expense to our judicial system, when these protections can already be found in the United States Constitution, North Carolina Constitution and existing federal and state criminal procedure.

In addition to the aforementioned protections in the United States Constitution and the North Carolina Constitution our state has an expansive system of protections in place for those accused of crimes and specifically those convicted of a crime and sentenced to death. This intricate system of checks and balances involves both pre-trial and post-trial actions. Our judicial system has one of the most all encompassing criminal discovery laws in the country, allowing the defense to see exactly what the prosecution may have as evidence in any given criminal case. Additionally, North Carolina uses the proportionality analysis in death penalty cases to aid in the elimination of any sort of bias in these cases. Motions for appropriate relief can be filed at any time, a death penalty appeal goes straight to the North Carolina Supreme

Court and we are the only state in the country to provide an innocence commission. In the event that a defendant feels that his/her civil rights have been violated there are numerous federal statutes that prevent the infringement of these rights.

Another major concern is that we are not listening to those people on the ground actually doing the necessary work. I am starting to see this as a hugely negative trend within this chamber. The North Carolina Conference of District Attorney's and the North Carolina Sheriff's Association have both taken official positions in opposition to this legislation. These are the people apprehending our criminals and those working hard to put criminals behind bars and keep the streets of North Carolina safe. I don't know about you, but I side with those that are working to keep the streets of our great state safe on a daily basis. These individuals are doing the necessary and important work every day and if we pass this legislation we are saying to them, without equivocation that their opinion does not matter. Friends, is that truly the message we want to send to them and all people throughout North Carolina?

Additionally it appears to me, based on conversations I have had with members of the legal community that this legislation will open up an entire new level of judicial concerns in North Carolina. Once this process starts we will be on a slippery slope with this issue. In fact, to many it appears as though this is a backdoor attempt to completely repeal the death penalty in North Carolina. If this is indeed the case, the legislative process in this chamber is extremely flawed. To those that want to repeal the death penalty I would say that we should have an open and honest discussion about this issue, not slip it in the backdoor in another form. We are dealing with serious times and serious crimes and the people of North Carolina deserve nothing short of our very best.

Finally, I would like to share this with you. After serving the North Carolina criminal justice system for over 30 years I have seen some of the worst criminals our state has to offer. I have supervised thieves, rapists, child molesters and yes, even murders. I have personally experienced the loss of a friend and fellow law enforcement officer who was shot and killed in the line of duty while serving the citizens of North Carolina as a trooper with the North Carolina Highway Patrol. It is imperative that we are working each day to strengthen our judicial system and give the necessary tools to our law enforcement officers, prosecutors and judges so they can keep the true criminals off of our streets.

While I have heard from both sides of this issue, I will choose to listen to our law enforcement officers and prosecutors and vote against Senate Bill 461. As the people of North Carolina deserve better – I encourage you to do the same.

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Representative W. David Guice
North Carolina House of Representatives
District 113



The following remarks were made by Representative W. David Guice on the floor of the North Carolina House of Representatives on Wednesday, August 5, 2009. These remarks were made in opposition to the Conference Committee recommendations for Senate Bill 202, the Appropriations Act of 2009.

Colleagues, we are gathered here once again to talk about the historic budget that is before us. I know we have heard many points on this budget compromise, good and bad, so I do not want to spend too much time talking about the same points. I do; however, want to take a few minutes and let you know my feelings and the feelings of many of my constituents about this budget. Let me first say that as a retired state employee, father, small business owner and former local government official I have seen many interesting things over the years. The budgetary process in the North Carolina General Assembly is by far the most interesting I have seen – and not in a good way. I believe there is a better way to conduct the business of the people.

Our system of government in the United States is a wonderful system and our way of creating laws is healthy. When used correctly, this process is meant to encourage input, discussion and a healthy debate on the important issues of the day. Heated debates and discussions on issues can be traced all the way back to the First Continental Congress. In order for there to be that needed and robust discussion on issues everyone has to be at the table whether you like them and their views or not. Each side of the debate must be heard or a majority of North Carolinians are being ignored.

I sat here yesterday and listened to people congratulate themselves and pat each other on the back for a job well done. This is not what we should be doing and not how we should be acting during these difficult times. People all across North Carolina are hurting; families, children, older adults – truly the backbone of our state. At the end of June there were 514,877 people unemployed in North Carolina and we have people in this chamber celebrating this budget bill. How is that doing the work necessary to support the people of North Carolina?

One thing that I have learned during my time in the North Carolina General Assembly is that there is a tremendous and deep disconnect between what takes place in this building and what is happening on the main streets of North Carolina. I know that many of us agree that small businesses are the strong foundation of our statewide economy, so I would like to use an example of a small business in my home district to illustrate a point. A small business owner recently told me that his business has dropped off 61% over the last two years. As part of this budget proposal it has been recommended that corporate income taxes be raised. I would like someone to explain to me how that is going to help stimulate his business and small businesses like his all across North Carolina. How is that going to help our struggling economy and our people who are struggling daily to make ends meet? By the way, the people of North Carolina are not stupid. They understand that a surcharge is a tax increase. So, let's call it what it is.

It is not just small business owners who have shared their thoughts and concerns with me. I have heard from teachers, school board and county government officials, leaders of municipalities, those that are unemployed and those that are currently employed but afraid they will soon lose their jobs – truly everyone from all walks of life. They are letting me know how they are hurting, how frustrated they are with the lack of progress to address these issues and how they truly see no light at the end of the tunnel. In fact, just today I heard from a clergyman in my district who told me that he has observed a decrease in building permits, a local business has gone through another round of layoffs and people are genuinely fearful for the future. He also mentioned how requests for food and other assistance have increased at his church.

It is imperative that we give a better effort and listen more to the people of our great state. As long as I am a member of this legislative body and as long as there is breath left in me I will fight for a more inclusive and transparent budget process. I will fight for a process that truly defines priorities and then establishes needs based on those priorities. I am determined to ensure that no matter how loud the noise may get within these walls, it never drowns out the voice of the people.

In the real world, in people's homes and in their businesses, revenues are first defined and then expenses are adjusted to meet those revenues. Careful attention is given to the principle of not exceeding revenues. By the admission of the very writers of this budget they set a list of expenses and then went out and found the revenues. The revenues needed to balance expenses come through the use of tax increases, both sales and personal income, as well as other fee increases that impact services across the board.

The bottom line is that there is a better way and the people of North Carolina do indeed deserve better. While some of you may congratulate yourselves on a job well done, I say that we have failed the people of our great state. In one of our darkest hours as a state we have left the people wanting for better. They deserve our best efforts and our best efforts they have not received.

I support our teachers, our law enforcement officers, our state employees, our firefighters and all of those who work each day to make a difference in the lives of others throughout our state. I know that this budget could have been better. I know that this budget should have been better. And I am disappointed with the outcome.

Friends, I will close by simply reminding you that we have been sent here for the solemn purpose of doing the work of the people. When we lose sight of that mission, and allow decisions to be based only on politics, we have lost our way.

The people of North Carolina deserve better.

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