



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



Legislative Update Three
April 3, 2009

Brevard, North Carolina – Greetings from Raleigh! There are many issues facing us these days in the North Carolina General Assembly. From the smoking ban to the state health plan to proposed criminal justice improvements to the overall budget, we are certainly staying busy here. I will touch on a few highlights since the last time I wrote to update you.

I have the opportunity to be a co-sponsor of House Bill 890 which is also known as the Unborn Victims of Violence Act. This legislation specifically deals with violent acts that are committed against pregnant women and unborn children. House Bill 890 establishes criminal offenses for acts that cause the death or injury of an unborn child. These criminal offenses also apply to violent acts committed against pregnant women. For example, under this proposed legislation, if an individual causes the death of an unborn child they will be charged with a Class A Felony and potentially receive life in prison without the chance of parole.

There have been several attempts this session to strengthen laws and efforts within the criminal justice system. One such bill seeks to create a more efficient way for District Attorney's throughout North Carolina to interact with state government and the general public. House Bill 786 proposes the creation of the Office of Prosecution Services. If created, the Office of Prosecution Services will oversee the activities and operations of all District Attorney's throughout North Carolina, independent of the Administrative Office of the Courts. This will allow the needed independence and create a more efficient way to serve the people of North Carolina.

There have been many discussions, both in the General Assembly and in the general public about the probation system in North Carolina. As a 32-year veteran of the North Carolina Department of Correction, the Division of Community Corrections, this issue has special meaning to me. I have had the opportunity to serve as the primary sponsor or the co-sponsor on several bills that seek to strengthen and enhance how we conduct probation activities in North Carolina.

I am a primary sponsor of House Bill 859, along with several veteran members of the North Carolina House, which seeks to strengthen probation officers abilities to supervisor offenders. This legislation makes the following three conditions requirements for every person placed on supervised probation: the offender must submit to warrantless searches by the probation officer, must submit to drug testing and cannot use drugs or associate with known drug offenders. Along those same lines I have also sponsored House Bill 926. This bill seeks to allow the expanded application of continuous alcohol monitoring as ordered by the court to keep the citizens of North Carolina safe. The initial use of continuous alcohol monitoring was approved in 2007.

I have also signed on as a co-sponsor on two bills entered to address issues related to probation in North Carolina. House Bill 876 directs the North Carolina Department of Correction to perform a study on comprehensive reform to our state's approach to community correction. House Bill 875 builds on other bills that have been entered by allowing probation officers access to an offender's juvenile records. This is an important key as our probation officers work each day to keep people throughout North Carolina safe.

This week House Bill 2 (Smoking Ban) was debated once again on the floor of the North Carolina House. The conversation about this legislation has not been along traditional political party lines, with Republicans and Democrats both supporting and opposing the bill. Several amendments were added, to include an "opt-out" clause for businesses, exemptions for certain establishments such as cigar bars and for private clubs such as VFW's and country clubs that are established as nonprofits. With these amendments House Bill 2 passed the North Carolina House on its' third reading by of a vote of 72-45 with my support. The legislation now heads to the North Carolina Senate.

Two other bills of interest to District 113 are House Bill 557 and House Bill 85. House Bill 557 allows qualified young people over the age of 15 to participate in training through a fire department, the Office of the State Fire Marshal or the North Carolina Community College System. House Bill 85 proposes an increase in the amount of raffle money that can be given away as part of a nonprofit fundraiser. Additionally, it allows nonprofit agencies the opportunity to raffle off real property. This legislation has passed the North Carolina House and is now being considered by the Senate.

These are exciting times in the history of North Carolina. We are currently faced with many important and difficult issues; however, we have an opportunity to search for new ways of conducting business in our state. We must look at these challenges as opportunities and press ahead each day with a renewed sense of purpose. As we are moving into the thick of the legislative session I plan to send these updates weekly. Please look for updates on the budget, the state health plan and other issues. If you are interested in receiving these updates via email please email me at David.Guice@ncleg.net with your email address.

As always, communication is extremely important to me. I look forward to your feedback, your thoughts and opinions. My door is always open and I look forward to working with you. Only by working together can we tackle the tremendous issues facing our district and our state.

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Legislative Update Four
April 10, 2009

Brevard, North Carolina – Greetings from Raleigh! Things continue to be active here in the halls of the North Carolina General Assembly and I expect that to continue over the next several months.

The Senate passed their version of a 20 billion dollar state budget on Wednesday and the House received the budget to begin discussions. A serious concern that I have is that we have not changed our spending habits in Raleigh. It is imperative as we move forward that we consider each spending item, determine the clear benefits to the people of North Carolina and act accordingly. Additionally, our spending methods should be the most transparent thing we do in Raleigh. Everyone should know where every dollar we spend goes and why.

I want to take a quick minute and update you on House Bill 859, a piece of legislation that I sponsored to strengthen and modify conditions of probation. This bill was recently heard by the Committee on the Judiciary III. After a spirited discussion and several questions House Bill 859 was referred to a subcommittee for more in-depth questioning. I am committed to this legislation as I believe it continues to give stronger tools to our officers in the field as they work to keep North Carolina safe. It is my hope that House Bill 859 will be heard again in the near future by the Committee on Judiciary III.

Additionally, I am proud to be a co-sponsor on House Bill 1276 which makes it a Class D felony for anyone to discharge a firearm at a law enforcement officer. If convicted, the individual will face a minimum sentence of 10 years active time. One of the primary sponsors of this bill is our very own Representative Carolyn Justus of Henderson County.

I have heard from several people in Polk County regarding House Bill 756. This legislation proposes the creation of an Equine Industry Commission, which will be tasked with regulating and promoting the equine industry throughout North Carolina. This is a key industry in our statewide economy and in our regional economy. As a member of the Committee on Agriculture I was proud to cast my vote in support of this legislation. It cleared the Committee on Agriculture with a favorable report and has now been referred to the Committee on Appropriations. I will continue to monitor the progress of House Bill 756 and offer my support whenever it is needed.

On Thursday I was able to speak to my first official piece of legislation, House Bill 206, on the floor of the North Carolina House. This bill seeks to allow affordable housing for local government employees, to include teachers, in Transylvania County. I am proud to say that House Bill 206 passed its' second reading by a vote of 111-1 and will be discussed for a final time next week on the floor of the House. Additionally, House Joint Resolution 383 passed the House on Thursday. This resolution honors the life and memory of George Scofield, the founder of the House of Flags in Polk County. You can visit www.ncleg.net to hear the audio of the discussion of these bills on the floor of the House.

This week in the North Carolina House we also discussed the North Carolina State Employee Health Plan. As you have heard this plan is in dire straits and is in need of serious help and a solid plan moving forward is needed. As a state we have made a commitment to our state employees and it is imperative that we fulfill that commitment. As a retired state employee I understand the importance of this health plan to current employees, retired employees and potential new employees. This issue will continue to be debated in the North Carolina House and I will keep you updated.

We have an opportunity to search for new ways of conducting business in our state and we must look at these challenges as opportunities and press ahead each day with a renewed sense of purpose. I will continue to update you on these important issues as we move through the legislative session. Your feedback and input is extremely important to me. Please do not hesitate to contact my office with your questions and concerns.

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Legislative Update Five
April 17, 2009

Brevard, North Carolina – Greetings from Raleigh! We continue to work hard each day on the issues facing North Carolina. This past week we dealt with the State Employee Health Plan and other issues.

First, I would like to pass along a quick update about two bills that specifically impact District 113. House Bill 206, Affordable Housing for Local Employees, passed its' third reading in the North Carolina House by a vote of 114-0 and is now in the Senate. The next destination for this piece of legislation is the Senate Committee on Finance. I will continue to work hard to ensure that this piece of legislation gets through the General Assembly. House Bill 756, a bill to create an Equine Industry Commission, continues to move through the legislative process. As I reported last week this legislation received a favorable report from the Committee on Agriculture and now awaits a hearing in the Committee on Appropriations. I will continue to monitor this bill's progress and keep you updated.

The discussion surrounding the changes to the State Employee Health Plan certainly dominated debate this past week in Raleigh. This plan currently impacts approximately 670,000 people in North Carolina. As a retired state employee I understand and appreciate the commitment that we have made to our current employees and our retired employees as it relates to their health insurance.

The legislation that passed the House this week, without my support, reduces benefits for state employees, to include teachers, and actually increases the cost to our employees. On average, over the next two years, costs will increase to employees by \$600. These added costs come through higher deductibles and co-payments. Additionally, dependent coverage costs will increase causing, what I believe, will be a mass exodus of young families out of the plan. These are the very people we need to remain in the plan to help keep the costs as low as possible. When we are trying to recruit and retain the best and brightest employees for our state government I do not think it is smart to offer fewer benefits at a higher cost. The legislation also calls for an immediate injection of \$250 million from the rainy day fund to ensure the plan remains solvent this month.

As with any issue it is important to find a bright spot. This legislation does move the benefit period to a calendar year and off of the fiscal year. Making this shift in the coverage period should make it easier for members of the plan to take advantage of health savings account and other services that will benefit their health.

While the State Employee Health Plan dominated debate this week in Raleigh there were two other pieces of legislation that were also hotly discussed on the House floor. House Bill 120 seeks to create a pilot program for public financing of municipal campaigns. In other words, public monies would be used to finance someone's candidacy for a city council seat. Let me be very clear that I am opposed to any sort of public financing for any race. I believe that if you are committed to being elected a public servant you should raise the funds necessary to effectively and efficiently run your campaign. I believe that it is irresponsible for towns, cities, counties or state governments to consider being engaged in any public financing program at anytime, but especially during these tough economic times. This bill was scheduled for its' third reading on April 6 and has been postponed five times since then. Undoubtedly, House Bill 120 will be up for a long debate the next time it is read and I will certainly be counted as a vote in opposition to this bill.

House Bill 88, also known as the Healthy Youth Act, was debated and passed this week on the floor of the North Carolina House. This proposed legislation will expand the sexual education curriculum in our public schools to include two tracks: abstinence until marriage and a comprehensive sexuality education program. Parents will have the opportunity to select a track for their child or to opt out of the program all together. If no option is selected then the student will not participate in sexually based education. Initially, this legislation stated that if no option were selected then the student would participate in the comprehensive sexuality education program. An amendment was offered, which I supported, that changed the legislation to read that if the student does not return a form with the selected track then the student will not participate at all. I simply believe that we are overstepping our boundaries by teaching our students anything other than abstinence until marriage. I strongly believe this is the best type of education for our students and that is why I opposed this proposed legislation expanding the definition and scope of sexually based education. If anything is going to be taught beyond abstinence until marriage it should be taught in the home. I do not support House Bill 88, but I do have to say that at least the final version was slightly better than the original version of this bill. This is a complex bill with detailed amendments; I encourage everyone to visit www.ncleg.net and do their own research on this proposed legislation.

I will continue to update you on these important issues as we move through the legislative session. Your feedback and input is extremely important to me. Please do not hesitate to contact my office with your questions and concerns.

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Legislative Update Six
April 24, 2009

Brevard, North Carolina – Greetings from Raleigh! Things continue to be busy throughout the General Assembly with committee meetings and floor debate. I want to take this opportunity and update you on some important issues that were voted on this week in the House.

Before the session started in January it was brought to my attention by a local business owner that the conflict threshold for purchasing supplies at local businesses by small local governments had not been raised in over seven years. Earlier in the session I entered House Bill 682 which calls for the adjustment of the exemption limits for small local governments in the contracting statutes to account for inflation. Additionally, the proposed legislation creates a mechanism by which there will be automatic adjustments in the future based on the Consumer Price Index. I am happy to report back to you that this bill passed the North Carolina House on Monday by a vote of 114-0 and is now in the Senate and has been referred to the Senate Committee on Commerce. I will continue to follow this legislation and work hard to ensure that it passes the Senate.

House Bill 557 was ratified by the North Carolina Senate on Thursday. I served as a primary sponsor on this piece of legislation which is also known as *The Future Volunteer Firefighters and Rescue Squad Members Act of North Carolina*. This legislation allows qualified young people over the age of 15 to participate in training through a fire department, the Office of the State Fire Marshal or the North Carolina Community College System. In order to qualify for this ability to train these young people must be a member of a fire department or rescue squad as defined by the General Statutes.

An issue of great importance is that of the State Employee Health Plan. As I reported last week this plan currently covers approximately 670,000 people in North Carolina. That number includes current employees, family members of employees and retirees. The House version of the plan passed last week and was sent to a conference committee to work on the differences between our version and the Senate version.

We received the conference committee version this week and voted on it Wednesday. Once again, I did not support this bill. As a retired state employee I am keenly aware of how important this plan is to our current employees, our retirees and their families. Unfortunately, this plan which is full of rate increases and mismanagement passed both the House and Senate on Wednesday. Governor Perdue has now signed this bill into law. We have not corrected the long-term problems facing the State Employee Health Plan. We have simply provided a short-term patch to a huge problem facing our state and this has come through higher deductibles, less benefits, higher premiums and higher co-payments.

We received the Senate's version of the budget last week and started meeting this week. As is always the case in Raleigh these meetings are handled by a few people, with the majority of members not able to participate in any of the discussions until the budget comes to the floor for a vote. I will keep you updated on what happens with the budget as we continue to try and manage the great deficit we face in North Carolina.

Often members of the House are recognized by the Speaker for a moment of personal privilege. I would like to take a moment of personal privilege this week with you and share something that has become very clear to me. We spend a tremendous amount of time debating issues that have no place on the floor of the North Carolina House in a time of economic crisis like we currently face. For instance, we spent more time debating a sex education bill and a bill to allow public financing of municipal campaigns than we did for the State Employee Health Plan. Each day we receive word that the actual total of the deficit we face has changed. These are issues we need to be debating. I am concerned that the leadership of both the North Carolina House and the North Carolina Senate have lost sight of those things which are important to the people of North Carolina.

I am determined to continue to raise the level of public debate on these important issues. I am determined to continue fighting for the people of District 113 and indeed all people throughout North Carolina. I cannot do this alone – your feedback and your input are extremely important to me. I will continue to keep you updated on the happenings of the North Carolina House of Representatives. Please do not hesitate to contact my office with your questions and concerns.

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