



Representative W. David Guice

North Carolina House of Representatives

District 113

Legislative Update - **Updated Version**

July 20, 2010

Greetings from Brevard!

Dear W. David,

The 2010 short session of the North Carolina General Assembly adjourned "sine die" at 5:33 a.m. this past Saturday. The House convened at 10:00AM on Friday and did not adjourn until 5:33AM on Saturday. I don't quite understand the point of a marathon session like this where we are debating and voting on crucial issues such as ethics legislation at 3:00 in the morning. I honestly see this as an attempt for leadership to wear down the members so that they can push their agenda simply because everyone wants to go home and get some sleep. I think a better approach is to remain in session for another week so that meaningful debate can take place on the issues and be able to work through any kinks that might arise in a professional manner. Having concluded this legislative session, the NC General Assembly will not reconvene until January 2011 unless a special session is called or we are called to reconvene as a result of the Governor vetoing any of the bills she has been presented this past week.



During this marathon session, we were finally able to pass legislation (Senate Bill 1256) which will allow Brevard Academy, an existing public charter school in Transylvania County, to participate in the Teachers' and State Employees' Retirement System and the State Health Plan for Teachers and State Employees. There are already 54 of the 100 charter schools across the state participating in these plans. While this piece of legislation initially moved through the House with great ease, it encountered some trouble in the Senate when another public charter school was added to the legislation. With the addition of this other charter school, the overall cost to the state greatly increased and the updated legislation was met with hesitation when it returned to the House. I was able to work with Senator Snow and other members of both chambers to ensure the passage of this bill. Many times identical bills are filed in both the House and

Senate and people often wonder why that is done. I filed House Bill 1778 and Senator Snow filed Senate Bill 1256 which were identical bills. When it was evident that the House Bill could not possibly move through the conference committee and be voted on with the amendment that was added in the Senate, Senator Snow was able to move his Senate bill as originally filed and the legislation passed.

There was also much work accomplished this session on the Boylston Creek issue (Senate Bill 1259). This bill was very divisive and the discussions became very heated as the legislation moved forward. Let me give you a brief history on this bill. Initially this legislation was filed to disapprove the rule to reclassify Boylston Creek. While this version of the legislation received favorable support as it passed the Senate, it ran into less than favorable support in the House. While the bill passed the House Environment and Natural Resources Committee, it faced opposition in the House Judiciary I Committee. This committee is chaired by Representative Deborah Ross of Wake County. She clearly and explicitly told Senator Snow, Senator Apodaca, Representative Justus and me that Speaker of the House Joe Hackney did not want this piece of legislation to leave her committee and if we did not agree to the compromise amendment the bill would not be heard in her committee. As a result of the bill not being heard, the bill would go no further and the reclassification as approved by the Wildlife Resources Commission would take effect. The version of the bill which passed allows for the delay of the rule change until July 1, 2011 and requires the North Carolina Department of Environment and Natural Resources to hold at least two public meetings on this issue prior to January 1, 2011. It also adds the statement "Nothing in this act restricts the authority of the General Assembly to take further action on this issue, whether as to the substance of the Rule or its effective date." All together I feel like this bill helps us move in the right direction. It is not exactly where I wanted to be with this issue, but it is moving in the right direction to protect the rights of the property owners along the Boylston Creek.

House Bill 593 was revisited late in the session in the Senate Education Committee. This bill was originally a bill to change the School Calendar start date and was amended to allow for waivers on the school start date for school districts whose calendars have been disrupted for 4 of the last 10 school years. By adding the term "disrupted" rather than "days missed", this bill allows many school districts to be eligible for the waiver because of the two hour delays and early dismissals they experience as a result of inclement weather as well as days missed. This bill passed the Senate by a 46 - 2 margin and passed the House with a unanimous vote.

Another bill of interest that passed and has been sent to the Governor for her signature is House Bill 80 which bans electronic sweepstakes. Again, much debate was heard on the floor on this issue and after having passed the Senate 47 - 1, the House passed the bill by a margin of 86 - 21.

Law Enforcement now has the authority to collect DNA samples from anyone arrested for a felony with the passage of House Bill 1403. This measure allows investigators to collect a DNA swab from the arrested person upon his or her arrest and run the sample

through a database to determine if it matches DNA evidence from unsolved crimes, the same way that fingerprints are currently utilized when someone is arrested. Estimates show we could solve 100 cases in the first year, which will get dangerous criminals off of the streets and help prevent future violent crimes. This testing can also prove the innocence of a person who has been arrested as well. The bill includes safeguards against abuse of this new evidence. The Senate passed this legislation by a vote of 44 - 1 and after much debate on the floor, the House passed the bill by a vote of 83 - 21.

House Bill 1717, Modernization of the State ABC System, was passed this week as well. This bill provides for more ethics oversight of local Alcoholic Beverage Control Boards.

The Government Ethics and Campaign Reform Act of 2010, House Bill 961, passed both chambers with only one dissenting vote. This ethics reform bill ensures honesty and accountability in state government as well as campaign finance ethics.

Finally, again, I would like to just briefly touch base on the appropriations act that was passed this year. It truly does nothing to protect the future of North Carolina. We are continuing to dig ourselves a hole that will take years and years to address. It is projected that the legislature will face a deficit of 3 billion in 2012. There is no vision and I am greatly concerned about the future of our great state. I know I have talked with you about this on several different occasions. I will keep you posted on how you can get involved as we move into the next few weeks and months.

It remains a humbling experience to serve you, the people of District 113, in the North Carolina House of Representatives. There is much work ahead of us and I know that by working together we can make that lasting difference for future generations of North Carolinians. We can once again restore our state to the "land where the weak grow strong and the strong grow great." Please keep your comments, questions and feedback coming my way. I appreciate it and I enjoy it. We can regain control of our government and our future.

Warmest personal regards,
David

Representative W. David Guice

Legislative Building, Room 1015

16 West Jones Street

Raleigh, North Carolina 27601

Phone: 919-715-4466

David.Guice@ncleg.net

www.davidguice.com