



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



Legislative Update Sixteen
July 5, 2009

Brevard, North Carolina – Greetings from Raleigh! I want to take an opportunity this week to talk with you about how we can work together to ensure that your needs are met and how we can positively impact the future of North Carolina. Additionally, I want to talk with you about a few pieces of legislation that will impact all people throughout North Carolina.

Let me once again say Happy Independence Day to everyone throughout District 113. I hope that each of you had a wonderful and safe holiday with your family and friends. I am always reminded over Independence Day about those that have come before us, about those that have paid the ultimate sacrifice and laid their lives upon the altar of freedom. To those families and friends who have lost loved ones throughout the years in different battles for freedom and in defense of the United States of America I pass along the words that President Abraham Lincoln wrote in 1864, "I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom."

The freedom that we enjoy in the United States should not, in fact cannot, be taken lightly. This freedom comes with a daily call to action. We are expected to defend this freedom at home and around the world. I am reminded more and more of this fact each time I walk to the floor of the North Carolina House of Representatives. It is an amazing privilege to be free to debate issues, to discuss ideas, to pray to our God and to vote. I encourage you to join me each day in thanking a veteran or someone that is currently serving our country, for each time we meet a challenge we think is too great we only need to look to the heavens and remember those that have come before us. To our veterans and those currently serving in the Armed Forces I simply extend my humble thanks and my sincere prayer for your safety.

Since taking office in early January I have worked to ensure a constant line of communication between my office in Raleigh and the people of District 113. My staff and I have been able to accomplish this by working with local leaders, supplying timely and updated information to the people, listening to concerns and finding answers to questions. Each week I provide a legislative update to the people of District 113. This update is printed in newspapers throughout the district. I will also be holding town hall meetings throughout the district in the coming weeks. As soon as the dates, times and locations are finalized I will announce those to you.

Over the next few weeks my staff and I will be updating my website, www.davidguice.com, to provide even more information to you – the people of District 113. The newly redesigned website will have a place to view each legislative update, press releases, issue updates, audio clips from debates on the House floor and ways to contact my office. Additionally, we are working to restructure our email list so that more people can receive updates from Raleigh. It is important to me that as many people as possible throughout District 113 and all of North Carolina hear and understand what is going on each week in the General Assembly. The redesigned website will have a "subscribe" button so that everyone can join the email list. I will make an announcement when the website is finished and fully operational. Information truly is power and I want to ensure that the people of District 113 receive as much information as possible.

I want to talk with you now about three pieces of legislation that I have great concerns about and these concerns are shared by many other people throughout North Carolina. Senate Bill 526 (House Bill 548), the North Carolina School Violence Prevention Act narrowly passed the North Carolina House of Representatives on June 23 by a vote of 58-57. This piece of legislation is also known as the anti-bullying bill. Many of the concerns surrounding this legislation involve the lack of true protection for the victim of bullying. I have a background in criminal justice and I do not believe that we should tolerate bullying of any kind. This legislation seeks to classify students and people into groups for the purposes of defining an act of bullying. I, and many others, believe that North Carolina should have a zero-tolerance policy against bullying of any sort against any person. There is no requirement for counseling, there is no requirement for follow-up with the parents and there is no requirement for follow-up with the bully in this legislation. The way this legislation was written, unfortunately created divisiveness on an issue that should receive overwhelming support. Additionally, there was already an anti-bullying policy on the books with the North Carolina State Board of Education. The key to any policy or general statute is enforcement.

Senate Bill 461 (House Bill 472), the North Carolina Racial Justice Act is expected to be heard on the floor of the North Carolina House of Representatives this upcoming week. This legislation seeks to prohibit the death penalty from being sought or imposed on someone based on their race. This bill is fraught with problems and I have heard from law enforcement officials and judicial system officials, who have expressed their concerns with this legislation and their opposition to it. My friends, since its beginning, our judicial system has been 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. In fact, it weakens our system and casts immediate doubt on the abilities of our prosecutors, judges and jurors. I will have more information about this legislation for you in next weeks' update and plan to speak against it on the floor of the House.

House Bill 524 is a bill worth watching. This legislation proposes certain changes to North Carolina's annexation laws. As you are well aware I am strongly opposed to any sort of involuntary forced annexation. I am going to keep a close eye on this piece of legislation and I encourage you to do the same. This bill is a great example of how the rules of the House are flawed and do not lend themselves to open debate on issues. The rules prohibit amending the title of a piece of legislation. The title for House Bill 524 is paragraphs long and virtually includes every aspect of the bill, making it incredibly difficult to amend. Rest assured, I and other members, will work on some amendments and I plan to speak on the floor of the House about this issue. I will keep you updated as to the status of this bill as it moves through the North Carolina House of Representatives.

As always I want to extend my thanks to you for entrusting me with this high honor – to be your voice in the North Carolina General Assembly. By working together we can truly make a difference for this generation and generations into the future. I will continue to do my part, but I need your help. I need you to be involved, ask questions and stand with me as we work to change the way we do business in Raleigh. We must return the voice of the people back to those hallowed halls in the General Assembly. Please feel free to contact me with any questions or concerns you have and if you are in Raleigh during the week please stop by the office.

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Representative W. David Guice
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District 113



Legislative Update Seventeen
July 12, 2009

Brevard, North Carolina – Greetings from Raleigh! I want to update you this week on some pieces of legislation that are of general interest to many of you throughout District 113. Budget discussions continue to occur between the House and Senate. As I learn more information about those discussions I will pass them along to you.

Senate Bill 962 has now passed the House and Senate. This legislation requires that teachers with four years of experience be given an explanation as to why they will not receive tenure. In addition, this bill provides that these teachers will be allowed a public hearing in front of the local school board prior to their final decision. Our teachers are incredibly important to the future of North Carolina and I believe that we must protect our public school teachers and indeed, all state employees, when given the opportunity. As a retired state employee I supported this legislation and I am happy to report that it now heads to Governor Perdue for her signature.

House Joint Resolution 1654 passed the North Carolina House of Representatives this past week. This action establishes a federal grants program to expand and enhance passenger, intermodal and freight services throughout North Carolina. As our great state continues to grow it is imperative that we look at all transportation options available to us and figure out how they can be best used to meet the needs of the people of North Carolina. Rail, air, water and highway transportation modes must all be considered. I believe this is a start and a way for us to partner with the federal government to make some of these needed rail improvements. I will continue to work hard to ensure that some of these funds make it to Western North Carolina.

We have heard on all levels of government recently the importance of transparency. For example, the recent controversy with former First Lady Mary Easley's salary at North Carolina State University is a perfect example for the need of transparency in our state. I am proud to report that House Bill 1134, the Open Government Act, passed 109-6 and now heads to the North Carolina Senate. This legislation creates the *Open Government Unit* at the North Carolina Department of Justice. This division will be tasked with furthering the transparency of state government and working to ensure that all public records remain just that – public. It is extremely important that our government be transparent and that we always fight for the people. I am proud to have joined so many of my colleagues in the North Carolina House of Representatives in supporting this legislation.

I am extremely proud of our veterans and the men and women who serve in our Armed Forces on a daily basis, protecting the freedoms that we enjoy here and around the world. House Bill 98 passed the House by a vote of 110-0 and was sent to Governor Perdue for her signature. This bill allows for our soldiers, reservists and National Guard personnel to renew their drivers' licenses upon receipt of their deployment orders. Additionally, it provides a 30-day grace period for these individuals to renew their licenses after their release from active duty.

Within the last week there were two pieces of legislation impacting property rights that were sent back to committees in the North Carolina House of Representatives – potentially to die for the current legislative session. House Bill 1268 proposed an amendment to the North Carolina Constitution to prohibit condemning property through eminent domain for the purposes of economic development. I support this legislation and I

am proud to say that I am a co-sponsor of this bill. It was withdrawn from the House calendar and sent back to the Committee on Judiciary II this past week. I am unsure of its future but will keep you posted. House Bill 524, a piece of legislation to help prevent involuntary forced annexation, received a similar fate this past week. This bill had broad support in the North Carolina House and I was prepared to speak in support of it on the floor; however, a motion was made to recommit this bill to the Committee on Appropriations. A vote was taken with the tally being 59-59. Speaker Joe Hackney cast the tie breaking vote and the legislation was sent back to committee – again to presumably die this legislative session. I am supportive of any effort to prevent involuntary forced annexation and will keep you posted on this bill.

Together we can make a difference in the future of North Carolina, but I need your help. Please keep the questions, comments, concerns and observations coming my way. It is always great to hear and receive your input and feedback on the many issues facing North Carolina. By having this dialogue we can reach common solutions to the common problems we face each day. My goal is to always be a voice, not simply a vote, for you in Raleigh. Remember if you are in Raleigh please stop by the office for a visit.

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Legislative Update Eighteen
July 19, 2009

Brevard, North Carolina – Greetings from Raleigh! Things continue to move along in the North Carolina General Assembly. We continue to discuss legislation on the floor of the House and budget negotiations continue as well. Both chambers passed a second continuing resolution this past week to keep our government operating at a reduced level during these budget discussions. I want to update you on some events of this week in Raleigh.

On Friday a Wake County Superior Court Judge ruled that State Superintendent of Public Instruction June Atkinson has the constitutional power to run the North Carolina Department of Public Instruction. As you will recall Governor Perdue appointed William Harrison, the former Superintendent of Cumberland County Public Schools, to the post of Chief Executive Officer of the North Carolina Department of Public Instruction and Chair of the North Carolina State Board of Education. Dr. Atkinson is paid an annual salary of \$123,198 and Dr. Harrison is paid an annual salary of \$265,000. This ruling finally puts Dr. Atkinson, who received over 2 million votes in the 2008 General Election, in charge of our public schools. The appointment of Dr. Harrison to the post of Chief Executive Officer by Governor Perdue was unnecessary and pure politics. It had nothing to do with strengthening our public school system. I believe, with this ruling, we are finally taking a small step in the right direction to strengthen our public schools. I encourage Dr. Harrison to resign his position with the North Carolina Department of Public Instruction and remain as the Chair of the North Carolina State Board of Education. Based on figures provided by the Department of Public Instruction, nearly 9 first year teachers can be hired with Dr. Harrison's salary of \$265,000 per year. We must return the focus of our efforts to the classroom as we work to better our schools.

House Bill 23 has passed both chambers of the North Carolina General Assembly and seeks to strengthen the penalties against first-time violators of the state's child labor laws. This legislation increases the fine from \$250 to \$500 and establishes a \$1,000 penalty for additional violations of the law. Additionally, the North Carolina Department of Labor is empowered to fine a company up to \$14,000 for workplace safety violations that injure an employee under the age of 18. It is extremely important that we work to protect our children in all that we do and I am proud to say that I supported this legislation.

Senate Bill 817 also passed the House this week and has now been ratified by both chambers of the North Carolina General Assembly. This legislation seeks to try and increase the rate of collections for child support by providing tougher penalties for nonpayment. If a person does not comply with an order to pay child support they are subject to censure, imprisonment up to 30 days, a fine not to exceed \$500 or any combination of the three. Additionally, a sentence of up to 120 days can now be imposed for a single act of criminal contempt for not paying child support. The sentence would be suspended once reasonable arrangements are made to pay the child support.

House Bill 342 passed the House this week, has now been ratified by both chambers and has been sent to Governor Perdue for her signature. Among other things, this bill provides for free forensic medical exams for victims of rape and other sexual offenses. Under current law, hospitals bill insurance providers for these exams and victims are required to pay co-pays, deductibles and potentially a portion of the bill. I believe changing this law, as this legislation does, is a step in the right direction and I am glad that we were able to pass this bill.

I received several calls and emails from citizens throughout District 113 about House Bill 1389 and I am happy to report that it has passed the House. It now heads to the North Carolina Senate for their consideration. This legislation allows local governments to finance energy efficient projects for homeowners. This program is on a voluntary basis only and will include higher property tax rates for only the homeowners that request the financing program to pay back the funds. This is another great tool in the toolbox for homeowners and contractors throughout North Carolina as we try to become as energy efficient as possible.

House Bill 1305 passed its' second and third readings this past week in the North Carolina House of Representatives and now heads to the North Carolina Senate. This legislation proposes changes to the state's Coastal Property Insurance Pool (CPIP), also know as the Beach Plan. The current, existing law places no cap on the potential liability of insurance companies that participate in the plan. The overall liability of the plan has tripled over the last ten years – reaching almost \$74 billion. The proposed changes, which passed the House, decrease the maximum coverage limit per home from \$1.5 million to \$750,000 and place a cap on the amount of money that private insurance companies who participate in the plan are liable for at \$1 billion. Supporters of the proposed changes are vocal about how these changes will help homeowners all across the state with their insurance rates. The fear is that without some changes, specifically placing a cap on total liability thresholds, many insurance providers will pullout of North Carolina and reduce the amount of competition, thereby raising insurance rates for everyone. This is a tremendously complex issue and over the last few weeks I have heard from many concerned citizens from throughout District 113 on both sides of this issue; however, many called or emailed in support of this legislation. After listening to these concerns, this input, feedback and asking some necessary questions I cast my vote in support of House Bill 1305.

Senate Bill 461, the North Carolina Racial Justice Act passed the North Carolina House of Representatives this week and was sent to the North Carolina Senate for concurrence. As you know, I spoke against this bill. I encourage you to visit my website, www.davidguice.com, to listen to and read my remarks on this issue and other issues. While the overall website is still under construction I have posted these remarks under the "Listen" section. Additionally, all of my legislative updates, copies of my floor remarks and any other press releases can be found in the "Newsroom" section of the website.

Together we can make a difference in the future of North Carolina, but I need your help. Please keep the questions, comments, concerns and observations coming my way. It is always great to hear and receive your input and feedback on the many issues facing North Carolina. By having this dialogue we can reach common solutions to the common problems we face each day. My goal is to always be a voice, not simply a vote, for you in Raleigh. Remember if you are in Raleigh please stop by the office for a visit.

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Legislative Update Nineteen
July 26, 2009

Brevard, North Carolina – Greetings from Raleigh! I want to take an opportunity this week to talk with you once again about the current budget situation and to update you on a forced annexation bill that we took up last week.

Nearly everyday last week there were articles in newspapers and media outlets throughout the state about a proposed budget deal that had been reached between the House and Senate. As always we receive more information from local newspapers than we do from information provided by the House leadership. I would like to emphasize once again how broken this system is, especially during the budget process.

Most members of the House are still left out of the budget process with only a few participating in the conference committee process. The people of North Carolina deserve better than we are currently giving them in the North Carolina General Assembly. I still believe that we must look for ways to streamline government operations, reduce wasteful spending where possible, support those programs that work and not raise taxes on the people of North Carolina.

As members of the General Assembly and as representatives of the people we should all be taking part in this budget process and these budget discussions. They should not be held among a few and behind closed doors. We should remain in Raleigh everyday until a budget compromise is reached. This should be our first and only priority right now.

House Bill 524 was debated on the floor of the North Carolina House this past week. This legislation makes minor improvements to annexation laws to help prevent forced annexation. While it does not do enough it is a start and I supported this legislation. It now heads to the North Carolina Senate for their consideration. I had the chance to speak in support of this bill on the floor and those remarks are below.

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.

As I mentioned last week we are currently in the process of updating my website. Several sections on the site do work and contain much of the information I send out each week. I encourage you to visit www.davidguice.com where you can read many of my remarks and listen to audio from the House floor. It is always my goal to keep you as updated as possible about the happenings in the General Assembly.

Thank you once again for giving me this humbling experience of representing you in Raleigh. Together we can make a difference in the future of North Carolina, but I need your help. Please keep the questions, comments, concerns and observations coming my way. It is always great to hear and receive your input and feedback on the many issues facing North Carolina. By having this dialogue we can reach common solutions to the common problems we face each day. My goal is to always be a voice, not simply a vote, for you in Raleigh. Remember if you are in Raleigh please stop by the office for a visit.

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