



# REPRESENTATIVE DAVID LEWIS LEGISLATIVE REPORT TO THE PEOPLE OF HARNETT COUNTY

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A REPORT OF SUBSTANTIVE LEGISLATION PASSED DURING  
THE 2007-2008 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

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# State Report

*With the bang of the gavel in the House and the Senate, the 2007 - 2008 Biennial Session came to a close.*

*During this Legislative Session, the 120 State Representatives and 50 State Senators addressed many issues important to families in Harnett County. Issues that affect our schools, our roads and bridges, our children, our aging population, our mentally ill, our business community and many other aspects of the operation of our County. Unfortunately, other important issues did not receive the attention they deserved.*

*This "Legislative Update" will highlight some of the more substantial issues acted upon by the General Assembly and highlight where further information can be obtained. This report will further highlight challenges facing our State and solutions I think will improve the lives of people in our County, providing the foundation for a brighter tomorrow for North Carolina and all her citizens.*

*I sincerely appreciate the opportunity to represent our Great County in the State House. I have done my very best to listen to the concerns of all our citizens and worked to bring about positive solutions for all of us.*

# Legislative Report

# *Get to know your legislator...*

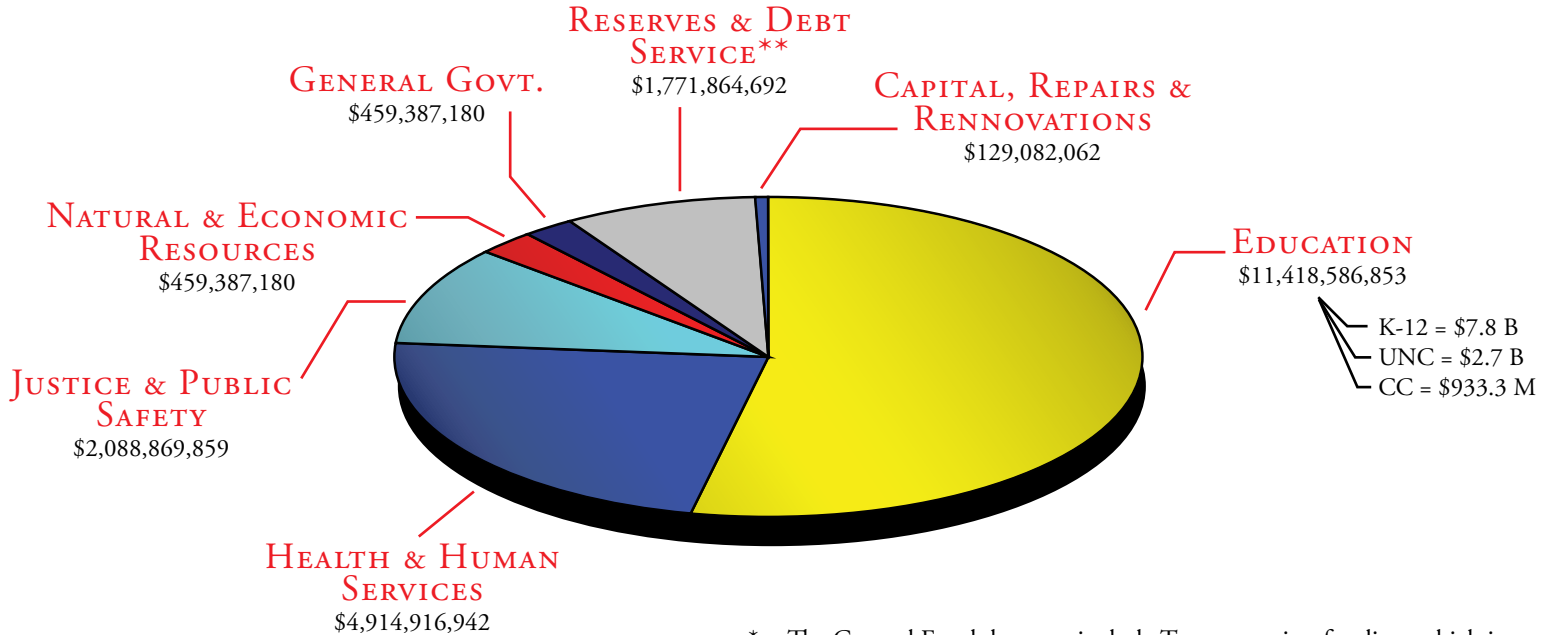


Representative David Lewis is in his third term serving the people of Harnett County in the North Carolina House of Representatives. Lewis is a current or former member of the House Committees on Agriculture, Education, Education Sub-Committee on Community Colleges, Election Law and Campaign Finance Reform, Finance, Insurance, Judiciary III, Military and Veterans' Affairs, and Transportation and is a former member of the Aging Commission and currently serves on the Program Evaluation Committee.

Lewis is a Co-Owner and Manager of Quality Equipment, LLC, a farm equipment dealership. He serves as a member of Central Carolina Community College's Harnett County Small Business Advisory Board. Lewis graduated from Campbell University with a Bachelor of Science in Business

Administration. He is married to the former Michelle Lawrence with whom he has two sons, David Ray and Henry Pierce, and a daughter, Tillie Christine.

# 2008-09 GENERAL FUND APPROPRIATIONS\*



\* The General Fund does not include Transportation funding, which is funded from the Highway Fund & Highway Trust Fund (\$2.9 B)

\*\* Reserves include salary increases

Source: Fiscal Research Division

*Representative Lewis currently serves on the following Committees: Agriculture, Finance (tax law and fees), Election Law, Insurance, Judiciary III, Ways and Means and the Program Evaluation Commission. Lewis is serving his third term representing the people of Harnett County in the North Carolina House of Representatives.*

## LEGISLATURE ADJOURNS FOR 2008 ON JULY 18, 2008

### STATE BUDGET BREAKDOWN

**4,962** total bills were filed- 2,798 in the House of Representatives and 2,164 in the Senate. This was the most bills filed since the 1913 Session.

**781** were passed by the both the House and Senate, or Ratified by the General Assembly. All but one of these was signed by the Governor. House Bill 2167 was vetoed by the Governor but his veto was overridden.

**158** is the total numbers of days the House and Senate met in full Session. When the Legislature is not in Session, numerous Study Committees and Commissions meet.

**\$21,355,967,434** was authorized by the General Assembly to spend in the 2008 fiscal year. This includes modest pay increases for teachers (3%) and state employees (2.75%), postpones the gift tax and expansion of the earned income tax credit and increases spending over 2007 by 3.9%.

**\$1,074,500,000** in additional debt was added without a vote of the people using a legislatively expedient method called “Certificates of Participation” or “COPS.” This brings the total state debt added since 2001 without a vote of the people to over \$2,374,500,000. I am very concerned with both the manner it was incurred and the level of debt our State has. I’ll discuss this further in the “Budget” section.

## MORE IN THE 2007 BUDGET

The Budget: (HB 1473/S.L. 2007-323)

The 2007 budget has several other initiatives that expanded educational and healthcare programs that will benefit illegal aliens and/or their children. These include:

- Disadvantaged Student Supplemental Fund (DSSF): The budget increased DSSF funding by \$35 million over two years. Among other things, such funding is to be used to identify and provide services to “students with limited proficiency in the English language.”
- Learn & Earn: The two-year budget allocated \$6.4 million for Learn & Earn expansion and \$21.6 million for Learn & Earn Online. Nothing in the budget prohibits illegal aliens from taking advantage of this program to obtain a free college education.
- NC Kids Care: This \$7.4 million program expands taxpayer subsidized insurance to families that earn between 200 percent and 300 percent of federal poverty level.
- Family Planning Services: The budget provides \$400,000 over two years in recurring funds for “family planning services to uninsured women who are not eligible for Medicaid.” Such services include voluntary sterilization, pregnancy testing, and most forms of birth control.

# REP. LEWIS VOTES AGAINST DEBT IN STATE BUDGET

I did not vote for the State Budget. While the Budget is not all bad, there are many items in the budget that trouble me greatly and are not in keeping with the concerns and values of Harnett County families.

First, I am very concerned with both the amount and manner in which the budget grows the state's debt. I believe strongly that debt owed by the people should be approved by the people via a referendum. The people of Harnett County and North Carolina are smart. As such, we are more than capable of evaluating the merits of proposed projects and their effect on and need in our growing state.

This budget totally ignores our Constitution which says that the state's voters should approve or disapprove debt incurred in their name. Banks take notice of that too. The truth is this debt comes from Certificates of Participation (COPS) financing instead of voter approved bonds. COPS carry a ½ %

higher interest rate. This means nearly \$28 million more in interest payments. That's not good use of hard earned taxpayer money.

As of June 30, 2007, North Carolina had \$6 billion in bond debt (\$5 billion in GO bonds and \$1 billion in COPs bonds). This budget adds over \$1 billion more in new COPs indebtedness for thirty-one separate projects. And all with no voter approval.

We have all seen the disastrous effects of poorly managed debt in the mortgage crisis and in banking. North Carolina deserves better and could have easily done better. I proposed an amendment that would have changed all the debt to voter approved debt. It failed by just a few votes.

This budget continues to pour money into tax breaks for targeting companies. There is over \$42 million more in corporate welfare to various funds and specific projects. This money would be much better spent on infrastructure, roads, Internet access, water and sewer and creating an even playing field and providing an attractive environment for all businesses to grow and flourish in North Carolina.

Second, the General Assembly continues to increase budget items from year to year instead of determining the merit of each government program they fund. What we need is to look at each state program and evaluate whether or not it is meeting its intended objective and if it is duplicated elsewhere in state government. This kind of responsible budgeting is called “zero based budgeting.” Instead the Leadership just argues about how much “more” to spend without taking time to be sure the money is well spent and we are getting our money’s worth.

Third, and perhaps most irresponsibly, is that by March, 2009, our State Employees Health Plan will

be \$230 to \$270 million dollar overdrawn. Even with this knowledge, the budget does nothing to address this concern. The prevailing thought of the Leadership is “let next year’s General Assembly deal with it.” That attitude is irresponsible. The people of North Carolina expect legislators to do better than “putting off to tomorrow” that which we know must be addressed.

Until I can honestly say to you that we have worked to examine all state expenditures to make sure we are managing your money wisely, I am not going to vote to give a pass to the status quo. I will not vote for a budget that disrespects how hard you work to pay your taxes.

## CHILDREN AND FAMILY ISSUES

**Jessica’s Law** (*SL 2008-117*) provides mandatory prison time for child sex offenders.

**Duty to Report Child Pornography** (*SL 2007-263*) - *Lewis co-sponsored* - provides that any film processor, or computer technician, who views an image of a minor engaging in sexual activity must report the name of the

person requesting the development of the film or the person in possession of the computer, to the National Center for Missing and Exploited Children or the appropriate law enforcement authority.

**Remove Barriers to Interstate Adoption** (*SL 2007-151*) - *Lewis co-sponsored* - amends Statutes pertaining to the termination of parental rights and adoption to make it easier for out-of-state residents to adopt children in this State.

**Access to Information for Adult Adoptees** (*SL 2007-262*) authorizes a child-placing agency or a county department of social services to act as a confidential intermediary between an adult adoptee or an adult descendent of a deceased adoptee and a biological parent.

**Child Support Program/Enhanced Standards** (*SL 2007-323*) requires the development and implementation of performance standards for all State and County child support enforcement officers to help aid in the collection of child support.

**Require Disclosure/Sex Offenders/Child Custody** (*SL 2007-462*) requires a person convicted of a sexually violent offence, who is seeking child custody, to disclose the conviction.

**Domestic Violence Victim Assistance** (*SL 2008-0004*) would provide that under certain circumstances, law enforcement agencies would provide domestic violence assistance information to victims of domestic violence. House Bill 2189 would also direct the North Carolina Domestic Violence Commission to study the adoption of a statewide automated victim notification system for persons who have received a domestic violence protective order.

**Adoption Tax Credit** (*SL 2007-323*) provides an individual income tax credit for adoption-related expenses. The amount of the credit is equal to 50% of the taxpayer's federal adoption tax credit amount.

## CONSUMER PROTECTION

**Protect Consumers – Covered Loans** (*SL 2007-352*) amends the laws relating to mortgage lending practices which are designed to protect consumers from paying terribly high mortgage interest rates, excessive points and fees, and prepayment penalties. It prevents the charging or collecting of pre-payment penalties. It also places a higher level of responsibility on the mortgage broker to be able to document that the borrower can repay the loan.

**Prohibit Gift Card Maintenance Fees** (*SL 2007-363*) requires the seller or issuer of a gift card clearly disclose at the time of purchase, and on the card itself, any maintenance fees charged for the gift card.

**Identity Theft/Publication of Personal Information** (*SL 2007-534*) outlaws the intentional broadcasting or publishing of personal information of another person without consent.

**Emergency Foreclosure Reduction Program** (*SL 2008-226*) creates an “Emergency Program to Reduce Home Foreclosures”. The program would establish a system by which mortgage services would be required to identify certain sub prime loans that were in jeopardy of foreclosure and submit information on those loans to a database maintained by the Administrative Office of the Courts (AOC). The Commissioner of Banks would use the information to attempt to find solutions to avoid foreclosure. The Commissioner would also be authorized to extend the foreclosure process for up to 30 days in appropriate cases.

**Drought Management Bill** (*SL 2008-143*) provides emergency authority to the Governor to manage serious future threats to water supply. While Rep. Lewis had some concerns over several aspects involving potential private property rights, he supported the Bill. He hopes future General Assemblies will work to make sure that abuses of this unprecedented power given to the Governor is not abused.

## COURTS, JUSTICE, & CORRECTIONS

**Removal of Unqualified Judges and District Attorneys** (*SL 2007-104*) authorizes the Governor to declare a vacancy in the office of district or superior court judge, Court of Appeals judge or Supreme Court justice, or district attorney when the person holding that office has been disbarred or suspended from practice of law and all appeals have been exhausted.

**Sex Offender Global Positioning Satellite (GPS)/ Department of Correction Requests** (*Senate Bill 2063*) establishes a procedure for determining when a sex offender is subject to satellite-based (GPS) monitoring. This Bill helps track dangerous sex offenders after their release from incarceration.

**Exempt Law Enforcement from Backseat Belts** (*SL 2007-289*) - *Lewis co-sponsored* - creates an exemption from the requirement that a backseat passenger wear a seat belt. This applies only to a person who is in the custody of a law enforcement officer.

**Certain Law Officers** (*SL 2007-427*) waives the requirement to obtain a concealed handgun permit for certain law enforcement officers and for certain retired law enforcement officers. It also applies to armored car service guards and armed security guards.

**Updating of Jury List** (*SL 2007-512*) - *Lewis was primary sponsor* - requires the State Registrar to provide county jury commissions with lists of recently deceased residents and directs jury commissioners to remove those residents from their jury lists. It also requires the commissioner of motor vehicles to remove from its list any driver whose license is expired and has not been renewed for eight years or more. It also directs the State Board of Elections to remove from the list of registered voters any registered voter who has been inactive for eight years or more.

**Amend Domestic Violence Laws/Homicide Reporting** (*SL 2007-14*) adds “stalking” to the offenses qualifying for use of the domestic violence pretrial release statutes.

**Kill Police Animal** (*SL 2007-80*) makes willfully killing a law enforcement animal a Class H felony.

**Motor Vehicle Chop Shop Act** (*SL 2007-178*) makes it a Class H felony to engage in activities involving the alteration for resale of stolen vehicles.

**Identity Theft** (*SL 2007-534*) amends the law on when photographs may be taken of a vehicle operator who is stopped for violating the law and not able to produce a valid driver's license when asked by law enforcement. This is to prevent someone from claiming to be another person when asked by the law enforcement officer and thereby be able to avoid prosecution and causing problems for the person they claim to be.

**Medical Release for Ill and Disabled Inmates** (*SL 2008-0002*) would create a new article to provide for medical release of inmates who meet certain criteria are geriatric, permanently and totally disabled, or terminally ill, and who do not pose a public safety risk.

**Vandalism Damages More Than \$5,000/Felony** (*SL 2008-15*) provides for an increased penalty for vandalism of houses, buildings, and other structures that results in more than \$5,000 in damages making said a Class I felony.

**Street Gang Prevention Act** (*SL 2008-214*) - *Lewis co-sponsored* - would make it a Class H felony for person associated with a criminal street gang to conduct or participate in a pattern of criminal gang activity, to solicit or coerce another to participate in a criminal street gang or to threaten a person to deter that person from leaving the gang. It further toughens the penalties for discharging a handgun from within a vehicle and using any type weapon in commission of gang related activities. It also provides funding to help deter young children from joining gangs.

## EDUCATION

**House Bill 359**, filed by Rep. Marvin Lucas (D-Cumberland) and Larry Bell (D-Sampson), repeals the two year old law requiring school to open no earlier than August 25 and close by June 10. The Bill was approved Thursday by the House Education Committee.

The Bill provides broad exclusions that county Boards of Education could use to change the current calendar. The reasons include efforts on a system wide basis to align the calendar with that of a community college or university in the geographic area; (v) on a system wide basis to adjust the examination schedule to benefit students or to accommodate Advanced Placement and International Baccalaureate examinations; (vi) on a system wide basis to accommodate implementation of block schedules; or (vii) on a system wide basis due to inclement weather or other emergency situations.

Rep. Lewis opposes the Bill. “Opportunities to earn money and gain practical experience, attend summer camps, family vacations, or just time to be a kid are too important to give away.” said Rep. Lewis. “Further, it is unfair to make small children ride un-air conditioned school buses in the heat of early August or late July. Older kids learn responsibility, life skills and earn needed money during the summer break. It appears to me the current calendar is supported by most parents, teachers, and students” said Lewis.

This bill has not been voted on as of yet.

**Every Child Ready to Learn** (*SL 2007-173*) changes the date by which a child must have reached the age of 5 to be eligible for entry into kindergarten that school year. It means a child must reach the age of 5 on or before August 31 of the school year in which they wish to start school.

**Tobacco Free Schools** (*SL 2007-236*) requires that local boards of education broaden their tobacco use policies to prohibit any tobacco products by any

person in public school buildings and facilities. It further prohibits use of tobacco products at any school function even if not held on school grounds.

**Criminal Record Checks/Department of Public Instruction** (*SL 2007-516*) authorizes the Department of Justice, upon request from the Department of Public Instruction, to provide criminal history checks of DPI employees, applicants for employment, or contractors.

**Legislative Tuition Grants for Part Time Students** (*SL 2007-323*) clarifies that part time North Carolina undergraduate students who take at least nine hours of academic credit per semester are awarded a tuition grant calculated on a pro-rata basis. This is extremely important to help students aspiring to attend private colleges like Campbell University meet their obligations.

## ELECTION LAW CHANGES

**Registration and Voting at One-Stop Sites** (*SL 2007-253*) allows eligible persons who have missed the 25-day registration deadline before an election, to register and vote in that election during the one-stop or early voting period. The one stop period runs from the third Thursday before an election to the last Saturday before the election. Rep. Lewis was very concerned about this Bill and voted against it because of the potential of voter fraud. The Bill has good objectives in wanting as many people as possible to take time to vote but fails to provide the basic safeguard of verifying a person is who they say they are. Rep. Lewis supported an amendment that would have required a North Carolina Driver's License or other picture identification. It seems far too broad to allow easily duplicated items such as a utility bill to be used in registering and voting. He is constantly amazed that you can't cash a check without ID but you can register to vote.

**Candidate Felony Disclosure** (*SL 2007-369*) requires a candidate for elective office to file a disclosure statement verifying whether or not the candidate has ever been convicted of a felony.

**Voter Owned Elections Pilot** (*SL 2007-540*) established public financing of campaigns for Superintendent of Public Instruction, Insurance Commissioner, and Auditor. Funding for the program could total as much as \$4.85 million dollars. Rep. Lewis did not support this law for a variety of reasons. First, he does not think tax dollars should be used to fund the elections of candidates they do not support. Second, he thinks certain provisions of the law violate free speech. And finally, he believes it only a matter of time before fraud is committed by someone simply to get the money and spend it any way they see fit but not necessarily on a campaign.

## FINANCE (TAX LAW)

**Earned Income Tax Credit** (*SL 2007-323*) establishes a refundable State earned income tax credit. The credit is 3.5% of the individual's federal earned income tax credit. Rep. Lewis did not support this Bill because he does not believe the government should give tax refunds that exceed the amount of taxes paid. In other words, this "credit" applies even if you have not paid in an equal or greater amount of taxes. He knows working families are struggling and support lessening the tax burden on all working families. Giving back tax money that has not been paid just does not seem like sound policy.

**Reenact Long-Term Care Credit** (*SL 2007-323*) reenacts the individual income tax credit for premiums paid on long term care insurance. The credit is equal to 15% of premium paid and is important in helping people provide for their care in their old age.

**Firefighter/Rescue Squad Tax Deduction** (*SL 2007-323*) creates an income tax deduction of \$250 for the brave men and women of our volunteer fire and rescue departments.

## INSURANCE

**Penalties for Insurance Rate Evasion Fraud** (*SL 2007-443*) makes it illegal for an applicant for auto insurance to intentionally deceive the insurer by misrepresenting that they are eligible for insurance in North Carolina. This is to prevent out-of-state individuals from buying North Carolina auto insurance. By claiming to live in North Carolina, while in fact living in a riskier area of the country, these individuals are driving up the cost of North Carolina's auto insurance, and profiting from our relatively safe roads.

**Mental Health Equitable Coverage** (*SL 2007-268*) requires that insurers that provide group health benefit plans to provide benefits for all mental illnesses that

are "no less favorable than benefits for physical illness." This is an important act that puts parity in health coverage for mental illness.

**Establish Health Insurance Risk Pool** (*SL 2007-532*) - *Lewis co-sponsored* - establishes the North Carolina Health Insurance Risk Pool. The Pool will establish a nonprofit entity that will help those with chronic illnesses like heart problems or diabetics, who cannot afford insurance on the open market, afford coverage.

## ILLEGAL IMMIGRATION

**Residency Status of Jailed Persons** (*SL 2007-494*) requires jail personnel to verify the immigration status of felony/DWI convicts. However they only have to make an inquiry through Immigration and Customs Enforcement (ICE). Rep. Lewis voted yes.

**Limited Release from Prison for Deportation** (*SL 2008-199*) releases non-violent illegal alien inmates (such as drunk drivers) into the custody of ICE for deportation. Rep. Lewis voted yes.

**Migrant Housing Health/Safety** (*SL 2007-548*) regulates migrant housing by requiring that each migrant be furnished with a bed in good repair with a clean cover and allows employers to self inspect their housing units if they have received a 100 percent compliance rating for two consecutive years. An amendment was offered that would have required the verification of the citizenship status of migrant workers but the amendment was blocked on the Senate floor. Rep. Lewis voted yes.

**The FY2007-08 budget** (*SL 2007-323*) made a one-time allocation of \$750,000 to assist the N.C. Sheriff's Association in implementing 287(g). The 287(g) program trains local law enforcement officers to help enforce immigration law. The General Assembly

funded it again in 2008 but cut funding by 20 percent in the FY2008-09 budget. Rep. Lewis voted no on both budgets.

## MILITARY AND VETERANS AFFAIRS

**Custody/Visitation/Military Orders** (*SL 2007-175*) creates a new provision in the law relating to custody and visitation when a custodial parent is mobilized or otherwise receives military orders that require the parent to move temporarily away from the residence. The act provides that the court must apply specific rules when there is a material effect on the parent's ability to exercise custodial responsibilities or visitation rights.

**Military Children May Attend Public Schools** (*SL 2007-283*) allows a student to attend, free of charge, a public school where his or her parents are stationed.

**Replacing Officials Called to Active Duty** (*SL 2007-432*) creates new statutory leave of absence provisions for state, county, or municipal officials who enter active duty in the Armed Forces. Currently elected or appointed officials may obtain a leave of absence based upon military service and a “temporary replacement” be appointed.

**Protect Military Personnel/Life Insurance** (*SL 2007-535*) adds new laws to protect members of the Armed Forces from dishonest and predatory sale and solicitation of life insurance and annuity products.

## SENIOR CITIZENS

**Adult Care Home or Nursing Home/Expedited Certificate of Need** (*SL 2007-473*) requires the Department of Health and Human Services to develop an expedited Certificate of Need (CON) review process for a current holder of a CON allowing the relocation of a facility from one licensed facility to another.

**Silver Alert System/Missing Persons Alert** (*SL 2007-469*) - *Lewis co-sponsored* - establishes the Silver Alert System and exempts emergency medical services personnel locating missing persons from the Private Protective Services Act. The Silver Alert System will provide a state-wide system for the rapid dissemination of information regarding a missing person who is believed to be suffering from dementia or other impairment.

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For A Complete List of All Laws  
Passed This Session, Please Visit  
[http://www.ncleg.net/gascripts/  
EnactedLegislation/](http://www.ncleg.net/gascripts/EnactedLegislation/)

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# STATE TAX MONEY APPROPRIATED TO HARNETT COUNTY IN 2007-2008 FISCAL YEAR

Natural and Economic Resources	\$16,249,556
Education	\$117,338,245
General Government	\$2,291,432
Justice and Public Safety	\$22,750,565
Transportation	\$18,150,313
Medicaid	\$97,000,000
Sub Total of General Appropriations To Harnett County	\$273,780,111
Additional Grants from NC Rural Center To Harnett County	\$655,000
Additional Grants from the NC Parks and Recreation Trust Fund To Harnett County	\$1,000,000

# “ESSE QUAM VIDERI”

Our State’s motto was adopted by the General Assembly in 1893. The Latin words “Esse Quam Videri” mean “to be rather than to seem.” The origin of these words is found in Cicero’s essay on Friendship (Cicero de Amicitia, Chapter 26).

Thank you for taking time to read this report.

Please call on me when ever I can be of help.



Representative David R. Lewis

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