



Representative Chuck McGrady

North Carolina House of Representatives
District 117



October 3, 2020

Heading out the door

Last week, as I cleared out my Raleigh office and condo bringing my legislative service to an end, I reflected on my work—the accomplishments and the disappointments. I leave proud of my service, and this will be my final communication as the Representative of House District 117.

The custom in the legislature is for Members to address their colleagues on the floor to speak about one's work at the end of the legislative session. Although I did not follow this custom, I do want to reflect on my time serving in the legislature in my last newsletter.

My successes as a legislator are due in some part to several people who helped me along the way. It began with former representative Carolyn Justus persuading me to run for the seat she was vacating. Having served as both her husband's legislative assistant and as a representative, she provided me with invaluable assistance in setting up my office, and she was always available to provide advice and guidance.

One early advantage I had as a fledgling legislator was my state senator, Tom Apodaca. I began my legislative career just as Tom became the Senate Rules Committee chair, which meant he would typically decide which House bills moved through the Senate after passage in the House. As a freshman, my senator could usually ensure my bills were heard in the Senate, a distinct advantage I had over most freshman legislators. I learned a lot from Tom—sometimes the hard way. We did not always agree on every issue, and that was most notable at one point during the passage of coal ash legislation when he and the Senate Pro Tem Berger told the press that I'd gone "rogue" during the conference process for the coal ash bill.

Tom never was one to coddle me; he believed experience was the best teacher and I should learn things for myself. While he could be tough on me, he took exception if he felt I was treated poorly by others.

During my freshman term, I helped derail a Senate billboard bill on the House floor. The consequence for doing that was every bill I had pending in the Senate was then moved

to the committee chaired by the primary sponsor of the billboard bill, Senator Harry Brown. I called on Tom and asked for his help and his response was he could do nothing—"I had really stepped in it this time." Ultimately, Senator Brown recognized the bill was not derailed simply by a freshman legislator and eventually he let my bills move forward on the last day of the session. Four or five of the bills that passed in the wee hours of morning on the last day of session were my bills. Senator Apodaca, as Rules Chair, brought the bills up one-by-one and passed them. [Incidentally, it was Speaker Thom Tillis who put me up to derailing that bill. It was a good lesson in politics.]

My ability to work on issues has greatly depended on the support of House leadership. Then-Speaker Thom Tillis appointed me as co-chair of both a judiciary committee and Education Appropriations. As a chair of those committees, I learned how to move legislation. The appointment as an education appropriations chair surprised me and, when asked, Speaker Tillis told me he knew I wanted to work on issues relating to kids and recognized my impatience could be a useful trait in the appropriations process. He said naming me as chair would ensure that putting together the education budget would not go on endlessly but would be carefully considered. He was right, and both he and his successor, Speaker Tim Moore counted on my aversion to long meetings to assist them in keeping the budget process moving.

When the coal ash spill occurred on the New River on Super Bowl Sunday during my second term, Speaker Tillis gave me responsibility for passing legislation to address the spill and the broader issues relating to coal ash. Tillis told me "he'd have my back," but I wasn't sure what he meant. I subsequently learned. Tillis shut down the House and went home when the Senate wouldn't compromise on a key issue in the legislation. This is when I supposedly "went rogue," according to the Senate, but Tillis never wavered in his support of me.

When Tillis moved to the U.S. Senate and Tim Moore became House Speaker, he appointed me as a full appropriations chair, chair of the Environmental Review Commission, and a chair of the committee dealing with alcoholic beverage regulation. As with Speaker Tillis, Speaker Moore gave me a lot of work to do, sometimes work that was not even strictly my bailiwick.

The best example of that was my work to repeal House Bill 2, the so-called "bathroom bill." A few weeks after that bill passed, I approached Speaker Moore to tell him at least ten Republican Members didn't support the law they had passed. At first he didn't believe it, but subsequently confirmed what I'd told him and told me I could craft new, bipartisan legislation to repeal the "bathroom bill." I had no commitment to pass my bill, but my work was done with full knowledge of the leadership. I expected my bill would be the stalking horse for a bill that might actually pass.

Working with both Republican and Democratic colleagues, I filed a bipartisan bill repealing the bathroom bill while giving local governments more authority to protect LGBT people in housing and employment. While the subsequent bill never passed, it was a stalking horse for legislation that ultimately did pass. Rep. Marvin Lucas (D-Cumberland) was my key partner, and he stuck with me even when Governor Cooper and others pressured him to come off the bill.

I am most proud of my work on several bills that became law. My initial reason for running for the legislature was to work on environmental issues. Passage of coal ash legislation, funding the conservation trust funds, legislation to create DuPont State Recreational Forest and working on state trails legislation are among my fondest memories.

Beyond my environmental work, I will probably be remembered for the passage of Raise-the-Age legislation, legislation increasing autism coverage, and my work on updating North Carolina alcoholic beverage control regulation. While I worked on a myriad of funding issues as a budget chair, my work on disaster relief and transportation is the most noteworthy.

For example, in the most recent Long Session, I struggled with NCDOT's explanation for cash flow issues. Initially, I was unsuccessful addressing the cash flow problems but, after two audit reports and Senate oversight hearings, the House and Senate leadership charged me with responsibility for crafting a revised NCDOT budget. Working closely with House and Senate transportation appropriation chairs, a revised budget was developed. Working in a bipartisan manner, primarily with Senator Mike Woodward (D-Durham) and NCDOT board chairman, Michael Fox, we moved a bill that initially Governor Cooper threatened to veto. However, I urged the Governor to put forward a compromise on the transportation board composition, which he did and that compromise became law. This work ultimately led to my appointment to the NC Board of Transportation.

Among the successes have been a few disappointments. My greatest disappointment is the Senate's refusal to take up my bills to provide licensure for behavioral analysts, the persons who primarily serve autistic children. The failure to provide licensure is a serious impediment to getting an adequate number of behavioral analysts to serve autistic children in North Carolina.

While I've been successful in beginning to address the PFAS water pollution issue, I have been disappointed in the constant struggle to adequately fund the needs of our state's environmental protection agency, the Department of Environmental Quality. During my entire tenure in the legislature, I've either opposed cuts to the agency's budget or negotiated compromises resulting in diminished cuts. It has been an uphill battle and not an enjoyable part of the job.

My expectation was we might finally get movement on nonpartisan redistricting legislation this year; there was a commitment to holding hearings in the new year, but this legislation was one of the casualties of the COVID-19 pandemic. Another issue I wish had turned out differently relates to eminent domain. My expectation for several years was the Senate would take up a constitutional amendment limiting the use of eminent domain to seize private property and I am still not sure why the Senate hasn't put the issue up for a vote.

Serving in the legislature is not just about passing legislation. A great deal of the service includes working on constituents' issues. In the last several months, my office has spent a great deal of time and effort assisting constituents with unemployment benefits. Consistently over the years, my office has reviewed funds that have escheated to the state, and attempted to get those monies back to their rightful owners in my district. Routinely, I worked on economic development issues; the most notable being recruitment of Sierra Nevada to Henderson County. [Note: When I leave office on Monday, my legislative assistant, Kimberly Neptune, will continue to work on those issues. Just call my office number if you need help or an update on anything our office is handling.]

Serving in the legislature is largely about serving the interests of one's district. Much of my work has related to Henderson County or western North Carolina. I worked diligently to secure funding for the Western School of Medicine in Asheville, the Ag Center, the Western Farmers Market and DuPont State Recreational Forest. I successfully funded work on hemlock restoration and environmental education, including Muddy Sneakers, a local nonprofit that has expanded statewide.

Often I am asked what has been the most difficult vote I have cast, and I guess I'd say it was a vote I didn't cast. During my freshman year, there was a vote to put the Marriage Amendment on the ballot. To add a constitutional amendment requires $\frac{3}{5}$'s vote of each chamber; in the House, it requires 72 votes of 120 Members. The Marriage Amendment passed the House and Senate and was subsequently approved by voters, including the voters of District 117. However, it was one of the few votes I simply skipped—meaning my vote was functionally a “no” vote.

My choice to skip the vote was due to my belief that ultimately the Marriage Amendment would be struck down based on the equal protection clause of the U.S. Constitution. Surprisingly, that happened quicker than I expected. Within a few years of the passage of the state constitutional amendment, the North Carolina Marriage Amendment and similar provisions in other state constitutions were found to be unconstitutional by the U.S. Supreme Court.

What I will miss leaving the legislature, aside from colleagues—both legislators and staff, are the breadth of issues discussed and often decided in the course of my service. A perusal of my *General Assembly Bulletins* gives one a sense of the myriad of issues considered (in no particular order): drones, dogs, possums, sexual predators, immigration, marijuana, wetlands, regulatory reform, fracking, epi-pens, electric transmission lines, airports, riparian buffers, certificates of need, guns and background checks, abortion, voter ID, tort reform and most recently COVID-19. These and a whole lot of other issues are issues on which I've voted or worked.

It has been a tremendous honor to serve in the North Carolina General Assembly and represent the people of Henderson County and western North Carolina.

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