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The General Assembly

After protracted deliberations, the 2002 General Assembly enacted the bill to modify the state budget and a number of other significant pieces of legislation. But it may be that nothing the General Assembly did will have as much impact on the future of policy and politics in the state as what the courts did to the General Assembly in imposing redrawn House and Senate legislative districts.

Extra Session—Legislative Redistricting

The 2001 General Assembly adopted new legislative districts for the House and Senate to reflect population changes reported in the 2000 census, as required by Article II, sections 3 and 5, of the North Carolina Constitution. These districts were challenged as unconstitutional by several Republican legislators and other members of the Republican Party, in a suit filed in the Superior Court of Johnston County. Superior Court Judge Knox V. Jenkins Jr. held the districts to be unconstitutional, and the North Carolina Supreme Court affirmed this decision in *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E.2d 377, decided April 30, 2002.

On May 7, 2002, Governor Easley called an extra session of the General Assembly for the purpose of adopting new redistricting plans, and the extra session convened on May 14, 2002. Both the House and Senate plans were adopted by May 21, 2002. The redistricting plans were again challenged in court, and this time Judge Jenkins rejected the General Assembly's plans and imposed his own, which were used in the November 5, 2002, elections. As of this writing, the North Carolina Supreme Court has not ruled on the validity of the plans drawn by Judge Jenkins. The extra session adjourned on November 26, 2002. Chapter 7, "Elections," contains a comprehensive discussion of the General Assembly's redistricting plans and the litigation over those plans.

Overview of the 2002 Regular Session

Article II, section 11, of the North Carolina Constitution provides for a biennial session of the General Assembly that convenes in every odd-numbered year. Until 1973, the General Assembly

held a single, regular session, convening in each odd-numbered year, meeting for several months, and then adjourning *sine die*. Prior to 1974, legislative sessions in even-numbered years of the biennium were special extra sessions (the North Carolina Constitution authorizes the Governor or a three-fifths majority of both houses to call such a session), and they were rare and of short duration.

Beginning with the 1973–1974 biennium, the General Assembly adopted the practice of holding annual sessions. The General Assembly convenes in January of odd-numbered years. In these “long sessions,” which generally run through mid-summer, a biennial budget is adopted and any legislative business may be considered. In even-numbered years, the General Assembly convenes for a “short session,” which generally runs from May through midsummer. In the short session, the General Assembly considers adjustments for the second year of the biennial and generally deals with bills that have passed one house and with a limited number of additional noncontroversial matters. Legally, the short session is a continuation of the long session.

Although the 2002 session was a relatively long one—convening on May 28 and adjourning on October 4—it was not the lengthiest short session; the 1998 session holds that record. Table 1-1 shows the length of the 2002 regular session as compared to the length of the short sessions of the last ten years. There were significantly fewer Senate legislative days than House legislative days in 2002 because, beginning in August, the Senate did not hold a session every day. Instead, the Senate convened only when there was a substantial amount of business to take up or for a pro forma session every third day to meet the requirement of G.S. 120-3.1 for payment of subsistence and travel allowances. Many Senators, however, declined to accept payment of their per diem expenses during that period.

Table 1-1. Length of Legislative Sessions

Year	1992	1994	1996	1998	2000	2002
Date Convened	May 26	May 24	May 13	May 11	May 8	May 28
Date Adjourned	July 25	July 17	June 21	Oct. 29	July 13	Oct. 4
Senate Legislative Days	41	35	25	101	40	69
House Legislative Days	42	35	27	100	40	77

The 2001 adjournment resolution provided that bills on the following matters could be considered in the 2002 session:

- bills directly affecting the budget for fiscal year 2002–2003, provided the bill was introduced by June 13, 2002;
- bills introduced in 2001 that passed third reading in the house of introduction and were not unfavorably disposed of in the other house;
- bills implementing recommendations of study commissions, commissions directed to report to the General Assembly, the House Ethics Committee, or the Joint Legislative Ethics Committee, provided the bill was introduced by June 5, 2002;
- noncontroversial local bills, provided the bill was introduced by June 12, 2002;
- bills making appointments;
- bills authorized for introduction by a two-thirds vote of both houses;
- bills affecting state or local pension or retirement programs, provided the bill was introduced by June 12, 2002;
- bills proposing constitutional amendments; and
- resolutions regarding state government reorganization, memorial resolutions, resolutions disapproving administrative rules, and adjournment resolutions.

In the 2002 regular session, 706 bills were introduced. Of these, 190 were enacted as session laws, 18 as joint resolutions, 8 as House resolutions, and 1 as a Senate resolution. One bill was vetoed. These numbers are generally consistent with those of previous short sessions, although this

was the only short session in the past ten years in which more local bills than public bills became law. Table 1-2 compares the number of introductions and enactments in 2002 with those of short sessions for the past ten years.

Table 1-2. Statistical Analysis of Legislative Short Sessions

Year	1992	1994	1996	1998	2000	2002
Bills & Resolutions Introduced	683	1,062	911	1,036	760	706
Senate	311	427	442	516	383	368
House	372	635	469	520	377	336
Session Laws Enacted	282	220	222	229	191	190
Public Laws	166	116	113	135	118	80
Local Laws	116	104	109	94	73	110
Bills Vetoed	NA	NA	NA	0	0	1

Major Legislation Enacted in 2002

Among the major items of legislation enacted in the 2002 regular session are the following, each of which is discussed in detail in other chapters, as indicated:

- **Budget modifications.** S.L. 2002-126 modifies the 2002–2003 state budget, making reductions of \$464 million (Chapter 2).
- **Address confidentiality program.** S.L. 2002-171 establishes an address confidentiality program for victims of domestic violence, stalking, and sex offenses (Chapter 5).
- **Incentives program.** S.L. 2002-172 establishes a new incentives program to recruit businesses to the state (Chapter 4).
- **Appellate judgeships—public campaign financing and nonpartisan races.** S.L. 2002-158 provides for public financing of appellate judgeship election campaigns and makes those races nonpartisan beginning in 2004 (Chapters 5 and 7).
- **Sales tax authority.** S.L. 2002-123 allows local governments to enact an additional 0.5 percent sales tax effective December 1, 2002 (Chapter 15).
- **Bioterrorism.** S.L. 2002-179 establishes a bioterrorism preparedness program (Chapter 10).
- **Diabetes care plans.** S.L. 2002-103 requires the state to adopt guidelines for the development and implementation of individualized care plans for schoolchildren with diabetes (Chapter 8).
- **Toll roads.** S.L. 2002-133 provides for the establishment of as many as three toll roads in the state (Chapter 14).
- **Utilities regulation.** S.L. 2002-4 provides for the adoption of a regulatory program to require electric utilities to reduce their emissions of certain air pollutants (Chapter 9).

Significant Bills That Failed to Pass

The 2002 General Assembly failed to enact a number of bills that were introduced to deal with issues viewed by many legislators and citizens as significant problems facing the state. Among those bills were the following:

- S 94 (proposed constitutional amendment), setting time limits on the length of legislative sessions and four-year terms for legislators—passed the Senate but failed second reading in the House;
- S 2, mandating an advisory referendum on the question of a state-sponsored lottery—passed the Senate but failed second reading in the House;

- H 1507, H 1531, H 1547, H 1601, H 1606, S 1192, and S 1314, increasing the tax on cigarettes (currently five cents per package, the third lowest cigarette tax in the nation)—no bill received a vote on the floor of either chamber;
- S 1008, banning video poker—passed the Senate, postponed indefinitely in the House;
- H 62 and H 74, regulating the use of cellular telephones while driving—both bills postponed indefinitely in the House; and
- H 1608, revising payday lending regulations—postponed indefinitely in the House.

Governor's First Veto

Article II, section 22, of the North Carolina Constitution was amended in 1997 to authorize the Governor to veto bills passed by the General Assembly and to establish a procedure for the Governor and General Assembly to follow should the Governor exercise this authority. Governor Easley became the first Governor to exercise the veto authority when he vetoed S 1283, the appointments bill, on November 3, 2002. In the bill, the Speaker of the House and the President Pro Tempore of the Senate made appointments to various boards and commissions. Governor Easley, in his veto message, cited the following reasons for vetoing the bill: two of the appointees were deceased, at least five appointees were not qualified for the positions to which they were appointed, and six appointments made by the bill must be made by the Governor.

Since the General Assembly had adjourned *sine die* on October 4, the constitution presented the Governor with two options. One, he could do nothing, in which case the bill would become law over his veto on the fortieth day after October 4 (the day of adjournment). Or, two, he could reconvene the 2002 regular session for the sole purpose of reconsidering S 1283. The latter choice had to be exercised before the fortieth day after adjournment. The North Carolina Constitution makes available a third possibility: if a majority of the members of both houses sign a statement—dated no earlier than thirty days after adjournment—that no reconvened session is necessary, the Governor is not required to call a reconvened session to consider the vetoed bill, and the veto stands. In the case of S 1283, however, this possibility could not be implemented due to practical considerations. The General Assembly adjourned October 4, 2002; the Governor vetoed S 1283 on November 3, 2002, but did not announce the veto until November 6, 2002; the general election was held on November 5, 2002, with Republicans apparently gaining a majority of votes in the House (although there were numerous recounts); and the forty-day period in which the Governor could call the General Assembly into session expired November 14, 2002. Given this chronology, it was virtually impossible for anyone to obtain the signatures of a majority of the members of both houses before the November 14 deadline.

Governor Easley chose the second option and by a proclamation dated November 11, 2002, reconvened the 2002 regular session on November 13, 2002, to reconsider S 1283. The Senate referred the bill to the Rules Committee, thereby effectively sustaining the Governor's veto.

The Legislative Institution

Membership Changes

When the General Assembly convened in extra session on May 14, 2002, Shelly M. Willingham was sworn in to complete the term of Representative Milton F. Fitch Jr. (D-Wilson), who resigned to accept a superior court judgeship. Representative Larry T. Justus (R-Henderson) died between the adjournment on October 4 and the reconvened session on November 13. Carolyn Justus, Representative Justus's widow, was sworn in to complete his term.

New Oversight Committee

S.L. 2002-126 (S 1115) amends G.S. Chapter 120 to create a new Joint Legislative Oversight Committee on Capital Improvements, composed of eight Senators appointed by the President Pro Tempore and eight Representatives appointed by the Speaker of the House. The committee is charged with examining, on a continuing basis, capital improvements approved and undertaken for state facilities and institutions. It is to oversee implementation of the Capital Improvements Planning Act and to consider the state six-year capital improvement plan developed pursuant to G.S. 143-34.45.

Convening in 2003

The next regular session of the General Assembly will convene at noon on January 29, 2003. Members of that General Assembly were elected at the November 5, 2002, general election.

William A. Campbell

