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The General Assembly

The 2004 session of the General Assembly lasted ten weeks, a return to normal after the almost seventeen-week session in 2002. The relative brevity of the 2004 session was chiefly the result of the small but welcome increase in state revenues and the Speakers' determination not to take up any controversial bills.

Overview of the 2004 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 several months, and then adjourning *sine die*. Prior to 1974, legislative sessions in even-numbered years of the biennium were special extra sessions (the N.C. 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 midsummer, 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 budget adjustments for the second year of the biennium and generally deals with bills that have passed one house and a limited number of additional noncontroversial matters. Legally the short session is a continuation of the long session.

The 2004 session convened on May 10 and adjourned on July 18. The length of the session as compared to other recent short sessions is shown in Table 1-1.

Table 1-1. Length of Legislative Sessions

Year	1994	1996	1998	2000	2002	2004
Date Convened	May 24	May 13	May 11	May 8	May 28	May 10
Date Adjourned	July 17	June 21	Oct. 29	July 13	Oct. 4	July 18
Senate Legislative Days	35	25	101	40	69	44
House Legislative Days	35	27	100	40	77	44

The 2003 adjournment resolution provided that bills on the following matters could be considered in the 2004 session:

- Bills directly affecting the budget for fiscal 2004–2005, provided they were introduced by May 27, 2004
- Bills introduced in 2003 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 they were introduced by May 19, 2004
- Noncontroversial local bills, provided they were introduced by May 26, 2004
- 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 they were introduced by May 26, 2004
- Bills proposing constitutional amendments
- Resolutions regarding state government reorganization, memorial resolutions, resolutions disapproving administrative rules, and adjournment resolutions

In the 2004 regular session, 881 bills were introduced. Of these, 203 were enacted as session laws, 13 as joint resolutions, and 3 as House resolutions. One bill was vetoed. These numbers are generally consistent with those of previous short sessions. Table 1-2 compares the number of introductions and enactments in 2004 with those of the previous five short sessions.

Table 1-2. Statistical Analysis of Legislative Short Sessions

Year	1994	1996	1998	2000	2002	2004
Bills & Resolutions Introduced	1,062	911	1,036	760	706	881
Senate	427	442	516	383	368	415
House	635	469	520	377	336	466
Session Laws Enacted	220	222	229	191	190	203
Public Laws	116	113	135	118	80	116
Local Laws	104	109	94	73	110	87
Bills Vetoed	NA	NA	0	0	1	1

Major Legislation Enacted in 2004

Among the major items of legislation enacted in the 2004 regular session are the following, each of which is discussed in detail in the chapter indicated.

- **Budget modifications.** S.L. 2004-124 (H 1414) modifies the 2004–2005 state budget (Chapter 2).
- **Child restraint systems in motor vehicles.** S. L. 2004-191 (S 1218) increases the weight and age limits concerning when children must be placed in restraint systems (Chapter 17).

- **Domestic violence amendments.** S.L. 2004-186 (H 1354) significantly amends and broadens the state's laws regarding domestic violence (Chapter 3).
- **Saltwater fishing license.** S.L. 2004-187 (H 831) requires for the first time a special license for recreational fishing in the state's coastal waters (Chapter 9).
- **Compensation for billboard removal.** S.L. 2004-152 (H 1213) provides that local governments requiring removal of billboards must monetarily compensate the owners of those billboards (Chapter 13).
- **Overhaul of the public school calendar.** S.L. 2004-180 (H 1464) reduces the number of teacher workdays and places limitations on when schools may open in the fall and close in the spring (Chapter 8).
- **Stormwater management.** S.L. 2004-163 (S 1210) establishes procedures by which local governments are to implement Phase II of the federal stormwater management requirements (Chapter 9).
- **Methamphetamine penalties.** S.L. 2004-178 (S 1054) increases the penalties for unlawfully manufacturing or distributing methamphetamine (Chapter 6).
- **University projects.** S.L. 2004-179 (H 1264) authorizes the financing of several university projects, including a new cancer hospital at the University of North Carolina Hospitals at Chapel Hill and a North Carolina Cardiovascular Diseases Institute at East Carolina University (Chapter 11).

Governor's Veto

Governor Easley, as in past sessions, used his veto sparingly. He vetoed only one bill, H 429. This bill would have required a city or county to compensate the owner of a billboard when the local government requires removal of the billboard. The bill passed both the House and Senate and was ratified on July 1, 2004. The Governor vetoed the bill on July 9, 2004, and in his veto message stated that the formula for compensating billboard owners was unfairly costly to local governments. When the vetoed bill was returned to the House, that chamber, on July 12, 2004, voted to override the Governor's veto by a vote of more than the three-fifths required by the North Carolina Constitution. When H 429 was sent to the Senate for reconsideration, however, the Senate took a different approach. It referred the bill to a committee, and the committee never reported the bill to the floor for a vote. Instead, the Senate took H 1213—a bill that would have regulated the check-cashing business and that had passed the House—stripped it of its original provisions, replaced those provisions with a new version of the billboard compensation bill requiring less generous compensation by local governments, and passed it. The House passed it as well, and the Governor signed the new compensation bill on August 2, 2004.

The Legislative Institution

Amendments to Chapter 120

Chapter 120 of the General Statutes deals with matters concerning the General Assembly. Several acts passed by the 2004 session amended this chapter. S.L. 2004-199 (S 1225) concerns the Legislative Ethics Act. It amends G.S. 120-85 and -96 to include in the statement of economic interest that each legislator is required to file a description of any nonprofit organization receiving state funds with which the legislator or a member of his or her immediate household is involved. It also amends G.S. 120-99 and -100 to provide for the filling of vacancies on the Legislative Ethics Committee in the event a committee cochair or member is unable to act on a particular matter before the committee.

G.S. 120-122 establishes procedures to be followed when a vacancy occurs on any board or commission that is the subject of a legislative appointment. S.L. 2004-187 (H 831) makes three

changes in this statute. It provides that the procedures for filling a vacancy (for example, that the Governor may appoint someone) apply whenever a vacancy occurs for any reason, whenever the term of an office expires and a successor has not been appointed, and whenever a person is holding over in office after expiration of the term.

S.L. 2004-129 (S 991) makes numerous significant changes to the state's information technology programs. These changes are discussed in Chapter 12, "Information Technology." The act also amends G.S. 120-230 to change the name of the Joint Select Committee on Information Technology to the Joint Legislative Oversight Committee on Information Technology and to charge the committee with examining, on a continuing basis, systemwide issues affecting state government information technology. It further amends G.S. 120-231 to require the committee to submit annual reports to the General Assembly before the convening of each regular session. Finally, it amends G.S. 120-232 to provide that all sixteen members of the committee be legislators, eight from the Senate and eight from the House, and that at least two of the members from each chamber be members of that chamber's Appropriations Committee.

Membership Changes

In the House, Susan C. Fisher was appointed to replace Martin L. Nesbitt Jr., who was appointed to the Senate, and Fred F. Steen was appointed to replace W. Eugene McCombs, who died on January 20, 2004. In the Senate, Woody White was appointed to replace Patrick Ballantine, who resigned to run for governor, Ralph Hunt was appointed to replace Wib Gulley, who resigned, and Martin L. Nesbitt Jr. was appointed to replace Steven Metcalf, who resigned.

The 2005 Session

The next regular session of the General Assembly will convene at noon on January 26, 2005. Members of that General Assembly were elected in the November 2, 2004, elections.

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