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## The General Assembly

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The 2005 General Assembly convened on January 26, 2005, and adjourned on September 2, 2005. This chapter provides an overview of the 2005 session, concentrating on the organization of each house, the difficulties encountered during the session, major legislation enacted, and unfinished business.

### **The House of Representatives**

In the November 2004 election for members of the 2005 North Carolina General Assembly, sixty-three Democrats and fifty-seven Republicans were elected to the House of Representatives. In contrast to the 2003 House membership, which was tied between Democrats and Republicans at 60–60 after Representative Michael Decker’s switch to the Democratic Party, the 2005 House Democrats enjoyed a slim majority.

The House convened at noon on January 26, 2005, and James Black was elected Speaker for a fourth term by an overwhelming margin, bringing the historic co-speakership between Representatives Richard Morgan and James Black to an end. However, in an effort to continue some aspects of the power-sharing arrangement used so successfully in the 2003 House, the bill that elected Black as Speaker also created the Office of Speaker Pro Tempore and elected Richard Morgan to that post. Speaker Pro Tempore Morgan was also authorized to appoint chairs to certain committees as designated by the Speaker. Speaker Pro Tempore Morgan often presided over the House during the 2005 session, but less frequently than in the 2003 session. In addition, the divisions among the House Republicans narrowed and they often voted as a bloc on major legislation. Divisions among House Democrats became more pronounced, however, and the so-called business Democrats joined with the Republicans to thwart legislation seen as anti-business, such as the proposed increase in the minimum wage and the prohibition against smoking in restaurants.

The change in the dynamics of the House may have contributed to the delay in the passage of the 2005 budget. The budget was finally ratified on August 11, 2005, six weeks and three continuing budget resolutions after the new fiscal year began on July 1.

The demographics of the 2005 House can be broken down as follows:

- Thirty-two women, three more than in 2003
- Eighty-eight men
- Nineteen African Americans, one more than in 2003
- One Native American
- One representative of Hispanic ancestry

Table 1-1 lists the 2005 House officers.

**Table 1-1. Officers of the 2005 House of Representatives**

James B. Black, Mecklenburg County, Speaker
Richard T. Morgan, Moore County, Speaker Pro Tempore
Joe Hackney, Orange County, Democratic Leader
Joe Kiser, Lincoln County, Republican Leader
Larry M. Bell, Sampson and Wayne counties, Hugh Holliman, Davidson County, and Marian N. McLawhorn, Pitt County, Democratic Whips
Mitch Gillespie, Burke and McDowell counties, Republican Whip
Denise G. Weeks, Principal Clerk
Robert R. Samuels, Sergeant-at-Arms

## The Senate

The Democrats retained a comfortable majority in the 2005 Senate but regained only one of the seven seats lost to the Republicans in 2003. There were twenty-nine Democrats, compared to twenty-eight in 2003, and twenty-one Republicans, compared to twenty-two in 2003. Senator Marc Basnight was unanimously elected the President Pro Tempore of the Senate for a historic seventh term. He continued his practice of appointing Republicans as committee cochairs: Senator John A. Garwood, Committee on Education and Higher Education; Senator Stan Bingham, Health Care Committee; Senator Austin M. Allran, Pensions & Retirement and Aging Committee; and Senator Don East, State Government & Local Government Committee. Senator Fletcher L. Hartsell Jr. was also reappointed chair of the Judiciary II Committee. Following the House's decision in 2003 to ban smoking in the House chamber, the 2005 Senate Rules Committee banned smoking in the Senate chamber.

Seven women served in the 2005 Senate, as in 2003, and seven African Americans served, compared to six in 2003.

The 2005 Senate officers and leadership are shown in Table 1-2.

**Table 1-2. 2005 Senate Officers and Leadership**

Beverly E. Perdue, Lieutenant Governor, President
Marc K. Basnight, Dare, Beaufort, Camden, Currituck, Hyde, Pasquotank, Tyrell, and Washington counties, President Pro Tempore
Charlie S. Dannelly, Mecklenburg County, Deputy President Pro Tempore
Tony Rand, Bladen and Cumberland counties, Majority Leader
Phil Berger, Guilford and Rockingham counties, Minority Leader
Tom Apodaca, Buncombe, Henderson, and Polk counties, Deputy Minority Leader
Jeanne H. Lucas, Durham County, Majority Whip
Jerry W. Tillman, Montgomery and Randolph counties, Minority Whip
Andrew C. Brock, Davie and Rowan counties, Deputy Minority Whip
R. C. Soles Jr., Brunswick, Columbus, and Pender counties, Chair, Democratic Caucus

Phil Berger, Guilford and Rockingham counties, Republican Leader
Janet B. Pruitt, Principal Clerk
Cecil R. Goins, Sergeant-at-Arms

## Statistical Comparison

Table 1-3 compares the 2005 session with other odd-year sessions of the past ten years.

**Table 1-3. Statistical Comparisons of Recent Odd-Year Sessions**

	1995	1997	1999	2001	2003	2005
<b>Date convened</b>	Jan. 25	Jan. 29	Jan. 27	Jan. 24	Jan. 29	Jan. 26
<b>Date adjourned</b>	Jul. 29	Aug. 28	Jul. 21	Dec. 6	Jul. 20	Sept. 2
<b>Senate legislative days</b>	109	123	101	173	102	126
<b>House legislative days</b>	108	123	103	179	102	125
<b>Senate bills introduced</b>	1,103	1,089	1,175	1,109	1,028	1,184
<b>House bills introduced</b>	1,070	1,245	1,489	1,478	1,340	1,800
<b>Total bills introduced</b>	2,173	2,334	2,664	2,587	2,368	2,984
<b>Session Laws Enacted</b>	546	528	462	519	433	463
<b>Vetoed</b>		0	0	0	2	2
<b>Joint resolutions ratified</b>	15	33	22	36	32	58
<b>Simple resolutions adopted</b>	7	11	24	10	19	26
<b>Total measures passed</b>	568	572	508	565	484	547
<b>% measures passed</b>	26.1%	24.5%	19.0%	21.8%	20.4%	18.3%

## Major Legislation Enacted by the 2005 General Assembly

The 2005 General Assembly enacted a number of significant pieces of legislation, some of which are listed here.

### Hurricane Relief

S.L. 2005-1 (S 7), enacted within a month of convening, appropriates \$247.5 million in relief funds to assist western North Carolina in its recovery from damage caused by Hurricanes Frances and Ivan in September 2004.

### State Lottery Act

S.L. 2005-344 (H 1023) establishes the N.C. State Lottery to be overseen by a nine-member N.C. State Lottery Commission. This act is discussed in Chapter 24, "State Government."

### Election Law Changes

In response to malfunctioning voting machines and uncertainty over provisional ballots, the 2005 General Assembly enacted the following laws designed to improve elections procedures:

1. S.L. 2005-159 (H 1102) authorizes county boards of elections to count ballots cast at one-stop voting sites at the same time they count other absentee ballots.

2. S.L. 2005-323 (S 223) authorizes the State Board of Elections to certify only voting systems that generate a paper ballot that can be verified by the voter and requires the State Board of Elections to provide for sample hand-to-eye counts of paper ballots or records. The act also establishes a detailed request for proposal process for the purchase of voting systems to be used in the 2006 elections.
3. S.L. 2005-428 (H 1115) revises various voting registration and election day procedures.
4. S.L. 2005-449 (H 1128) amends various campaign finance laws.

These revisions to the state election laws are discussed in Chapter 9, "Elections."

### **State Superintendent of Public Instruction Race**

In addition to the generalized election law changes outlined above, the General Assembly enacted S.L. 2005-3 (S 82), which establishes procedures under which the General Assembly can resolve legislative and executive election contests, a power granted to the General Assembly by Article II, Section 20, and Article IV, Section 5, of the North Carolina Constitution. The General Assembly also enacted S.L. 2005-2 (S 133) to retroactively restore 11,310 out-of-precinct ballots cast in the State Superintendent of Public Instruction race. Both actions culminated in an August 23, 2005, joint session of the General Assembly during which the election dispute was resolved in favor of Ms. June Atkinson.

### **Court Changes**

The General Assembly enacted S.L. 2005-425 (H 650) to authorize the assignment of special superior court judges to hear and decide complex business cases and S.L. 2005-149 (S 321) to authorize persons seventy-two years old or older to request an exemption from jury service. S.L. 2005-67 (H 1015) authorizes superior court clerks to order mediation in any matter over which the clerk has exclusive or original jurisdiction, except for matters brought under G.S. Chapters 45 (Mortgages and Deeds of Trust) and 48 (Adoptions). The General Assembly also enacted S.L. 2005-100 (H 878) establishing the Conference of Clerks of Superior Court. These provisions are discussed in Chapter 6, "Courts and Civil Procedure."

### **Children and Juveniles**

S.L. 2005-194 (H 1346) adopts the Interstate Compact for Juveniles to establish uniform means to regulate the movement of juveniles under court supervision across state lines, effective when adopted by a total of thirty-five states. S.L. 2005-398 (H 1150) rewrites G.S. 7B-602 to require the appointment of "provisional counsel" for every respondent parent when an abuse, neglect, or dependency petition is filed. S.L. 2005-320 (H 801) addresses situations in which (1) both a juvenile court order and a G.S. Chapter 50 order determine the custody of a child or (2) a custody order entered in a juvenile proceeding is intended to be as permanent as a Chapter 50 order and there is no need for the juvenile court to continue to be involved in the matter. These acts are all discussed in detail in Chapter 4, "Children, Families, and Juvenile Law."

### **Criminal Law Changes**

S.L. 2005-130 (H 1209) expands the list of persons from whom DNA samples must be taken to include all persons convicted of sexual battery offenses and makes sexual battery a reportable offense under the sex offender registration program. S.L. 2005-145 (H 822) requires that a jury determine if an aggravating factor is present in an offense, unless the defendant admits to the factor or the presence of the factor is based upon a previous adjudication of delinquency. The act also makes other changes regarding aggravating factors in criminal cases to conform to a recent decision by the U.S. Supreme Court. S.L. 2005-295 (H 1436) adds to the list of aggravating factors for a capital offense the fact that a felony was committed in violation of a valid protective order. S.L. 2005-189 (H 288) increases the penalty for a driver's failure to move over or slow a vehicle in response to an emergency vehicle to a

Class I felony if the driver's actions result in the death of emergency response personnel, a Class 1 misdemeanor if those actions result in property damage over \$500 or injury to those persons, and an infraction for all other violations. S.L. 2005-460 (H 217) makes it a Class H felony for a passenger of a vehicle to leave the scene of an accident involving personal injury or death and a Class 1 misdemeanor for the passenger to leave the scene of any reportable accident.

These provisions are discussed in Chapter 7, "Criminal Law and Procedure."

### **Public Records**

The 2005 General Assembly enacted three significant new laws concerning public records. S.L. 2005-414 (S 1048) enacts the Identity Theft Protection Act of 2005, which seeks to protect against identity theft by restricting public access to Social Security account numbers and other personal identifying information. S.L. 2005-332 (S 856) protects the trial preparation materials of government lawyers from public access. S.L. 2005-429 (S 393) concerns public access to records of economic development projects. These acts are summarized in Chapter 20, "Public Records."

### **Animal Shelters**

The Current Operations and Capital Improvements Appropriations Act of 2005, S.L. 2005-276 (S 622), amends the definition of "animal shelter" in the Animal Welfare Act to clarify that all of the provisions of the Act apply not only to private shelters but also to those owned, operated, or maintained by or under contract with a local government. The definition of "animal shelter" was also expanded to encompass facilities affiliated with nonprofit organizations devoted to animal rehabilitation. These and other changes relating to animal control are summarized in Chapter 14, "Local Government and Local Finance."

### **Aedin's Law**

S.L. 2005-191 (S 268) requires that petting zoos obtain a permit from the Commissioner of Agriculture and take measures to prevent transmission of diseases from animals to persons visiting the zoos.

### **Recreation Vehicles Regulation**

S.L. 2005-161 (H 702) increases the minimum age for the operation of a personal watercraft from twelve to fourteen. S.L. 2005-282 (S 189) prohibits children under eight years old from driving all-terrain vehicles (ATVs) and provides that children aged eight to fifteen may drive only ATVs with engines smaller than 90 cubic centimeters. The act also imposes safety and equipment standards for operating ATVs and requires that operators born after January 1, 1990, participate in an ATV safety course.

### **Prison Smoking**

S.L. 2005-372 (S 1130) bans the use of tobacco products inside state prisons by inmates, visitors, and employees and calls for a pilot program that would prohibit smoking both inside prison buildings and on prison grounds and make smoking cessation programs available to inmates and staff.

### **Planning and Development**

Legislation in 2005 created the most substantial amendments in decades to the state's planning and development regulation statutes. Two major bills were adopted—S.L. 2005-418 (S 518), An Act to Clarify and Make Technical Changes to City and County Planning Statutes; and S.L. 2005-426 (S 814), An Act to Modernize and Simplify City and County Planning and Land-Use Management Statutes—along with a number of additional bills addressing important land use and development

issues. The changes are discussed in detail in Chapter 5, “Community Planning, Land Development, and Related Topics.”

### **Uniform Trust Code**

S.L. 2005-192 (S 679) is a modified version of the Uniform Trust Code that provides a more comprehensive codification of North Carolina trust law.

### **Coastal Fishing Licenses**

During the 2004 session, the General Assembly enacted legislation to implement a new saltwater fishing license. In 2005 the legislature enacted S.L. 2005-455 (S 1126), which renames the license as a “coastal recreational fishing license,” increases the cost of short-term nonresident licenses, exempts holders of certain lifetime hunting and fishing licenses purchased before January 1, 2006, from the coastal fishing licensing requirements, and creates special blanket coastal fishing licenses applicable to fishing piers and for-hire recreational fishing boats. These new license requirements are effective January 1, 2007.

### **Control of Pseudoephedrine Sales**

In an effort to reduce the production of methamphetamine in North Carolina, S.L. 2005-434 (H 248) requires that certain pseudoephedrine products be stored behind a pharmacy counter and sold only to persons at least eighteen years old who provide photo identification. The act also limits the amount of pseudoephedrine that can be purchased and requires that pharmacies maintain a record of all pseudoephedrine purchases.

### **Lobbying Regulation**

S.L. 2005-456 (S 612) revises the law that requires lobbyist registration and the reporting of certain lobbying expenditures. The act expands the definition of “lobbying” to include the development of goodwill and requires the filing of monthly expenditure reports. It also imposes the same registration and reporting requirements on lobbyists who solicit members of the executive branch. The act establishes a “cooling-off period,” prohibiting former legislators and executive branch officials from becoming lobbyists within six months of leaving office.

### **Workers’ Compensation Reform**

S.L. 2005-448 (H 99) establishes a twelve-member Study Committee on Workers’ Compensation Benefits. It also revises certain workers’ compensation claim procedures and creates a rebuttable presumption that an employee was impaired if a blood or other medical test concludes the employee was intoxicated or under the influence of a controlled substance.

### **Identity Theft Protection**

S.L. 2005-414 prohibits businesses from disclosing Social Security numbers and printing those numbers on identification cards issued by the business. It also requires that upon a consumer request, a credit reporting agency must implement a security freeze on the consumer’s credit report. The act limits the use or disclosure of Social Security numbers by state and local government agencies as well.

### **Alcoholic Beverages**

S.L. 2005-277 (H 392) increases the maximum alcohol content of malt beverages from 6 to 15 percent.

## Unfinished Business

The final three weeks of the 2005 legislative session were characterized by sporadic legislative activity. Compounding the last-minute hustle and bustle that always heralds session's end, in mid-July President Pro Tempore Basnight halted all Senate committee activity while budget conferees worked. The Senate committees resumed business on August 11 with a few days of marathon meetings and late-night sessions in both houses. Although adjournment seemed imminent, it was not to be; the General Assembly took the week of August 15 off while several members attended a national conference of state legislators in Seattle.

The chaotic late-night meetings and the volume of bills considered in the session's final weeks contributed to the accidental presentation to the Governor of a bill that had not passed the Senate. House Bill 1271, amending auctioneer licensing requirements, was signed and became law as S.L. 2005-330. Although a bill was introduced in the Senate to repeal House Bill 1271, the new bill was never acted on.

The push toward adjournment resumed during the week of August 22. An adjournment resolution was introduced in the Senate, setting adjournment for August 24. On August 23 the Senate met from 10 a.m. until 6 a.m. the next day. The House met from noon until 4 a.m. Lengthy recesses punctuated both meetings. When the fog lifted the morning of August 24, the General Assembly had not adjourned—as reported by several local news organizations—and the 2005 session dragged on. Observers declared the lottery dead, and President Pro Tempore Basnight announced that the Senate was finished taking action on bills and would return only to act on the adjournment resolution. Speaker Black, on the other hand, determined that the session's work had not been completed, and the House continued to meet into the following week. The Senate returned on August 30, 2005, and to everyone's amazement, passed the lottery bill in the absence of Republican Senators Garwood and Brown. Upon passage of the lottery bill, the Senate left, only to return on September 2, 2005, when both houses finally passed the adjournment resolution during brief morning meetings.

As in 2003, bills authorizing various studies and making technical corrections were not passed. In addition, several bills important to a number of legislators either did not pass both houses or were simply never brought to a vote. These bills are discussed below.

## Studies

For many years the General Assembly has enacted a comprehensive studies bill at the end of the session. The studies selected for inclusion in the bill usually originate in one of two ways: (1) several members believe an issue facing the state deserves a thorough examination or (2) a particular bill is considered too controversial to be brought to a vote, but the subject of the bill is important enough to merit further consideration. The studies bill normally authorizes many studies for the Legislative Research Commission, a standing body of the General Assembly, and others for specially appointed study commissions. During the 2005 session, the studies bills were House Bill 413, which was originally a bill relating to global studies and was replaced with the 2005 Studies Act by a Senate committee substitute adopted August 24, and House Bill 1723. Although the Senate passed the committee substitute for House Bill 413, the House referred the bill to Rules, ending its chances for passage in 2005. House Bill 1723 remained in the Senate and was referred to Rules prior to adjournment. Both bills are eligible for consideration in 2006. Apart from those in the studies bills, several important studies are authorized in other bills that were enacted. These studies are discussed in detail in various chapters throughout this book.

## Technical Corrections

Usually one of the last acts passed in every session is a technical corrections bill, the purpose of which is to correct technical errors in previously enacted bills. Such errors may include incorrect statutory references, omitted or extra words, or incorrect effective dates. During the week of August 15, 2005, the leadership of the House and Senate hammered out a compromise technical corrections bill, House Bill 327, which was adopted by the Senate on August 23 as a

committee substitute to the original bill. As with past technical corrections bills, the committee substitute contained numerous substantive provisions in addition to technical amendments. The Senate further amended the bill to add a number of additional substantive provisions, provisions on which the House leadership had apparently not agreed. The House failed to concur in the Senate's version, and the technical corrections bill collapsed under the sheer weight of the nontechnical provisions added during the last week of the session. House Bill 327 is, however, eligible for consideration in 2006.

### **Death Penalty Study and Moratorium**

As in the 2003 session, a bill was introduced directing a study of the death penalty and imposing a two-year moratorium on executions during the period of the study. House Bill 529 was subsequently revised to replace the two-year moratorium on the death penalty with a procedure whereby capital defendants could seek a stay of execution while the study was ongoing. Despite being placed on the House calendar numerous times, the bill was never considered by the full House and remained on the calendar at adjournment. It therefore may not be eligible for consideration during the 2006 session. Speaker Black, however, has indicated that he will appoint a committee to study the death penalty, and any proposed legislation the committee recommends would be eligible for consideration in 2006.

### **Nonsmoking Areas in Restaurants**

House Bill 76 as initially drafted would have prohibited smoking in all public restaurants. The bill was later revised to allow smoking in restaurants, but it required that at least 50 percent of a restaurant's seating capacity be designated as a "no-smoking" area. The bill failed second reading and is ineligible for consideration during the 2006 session.

### **Same-Sex Marriage**

Senate Bill 8 would have required a referendum on an amendment to the state constitution to explicitly provide that the uniting of two persons of the same sex in a marriage, civil union, or domestic partnership would be invalid or not recognized in North Carolina. The bill was never considered by the Senate, but because it proposes a constitutional amendment, it is eligible for consideration in the 2006 session.

### **In-State Tuition for Illegal Immigrants**

House Bill 1183 ignited a controversy during the 2005 session, proposing that illegal immigrants who had received a North Carolina high school diploma and had attended North Carolina schools for at least four consecutive years prior to graduation would be eligible for in-state tuition rates at North Carolina community colleges and public universities. As the result of a public uproar and concerns about the proposal's inconsistency with federal law, the bill lost several cosponsors and was never taken up, making it ineligible for consideration in 2006.

### **Medical Malpractice Reform**

Several bills designed to address various concerns about medical malpractice were introduced. House Bill 1229 would have required that the N.C. Medical Board publish information relating to medical malpractice damages awards in excess of \$100,000 and settlements of medical malpractice claims. In addition, both houses saw bills designed to revise malpractice claims procedures (Senate Bill 44, Senate Bill 989, and House Bill 1359). Senate Bill 44 would have limited noneconomic damages payable by any health care institution to \$250,000 per claimant (\$500,000 per claimant where judgment is issued against more than one institution). Senate Bill 989 would have capped noneconomic damages at \$500,000 in the case of death and at \$350,000 in other cases. House Bill 1359 would have required that, upon a plaintiff's request, a court conduct a posttrial hearing to determine whether a noneconomic damage award of \$250,000 or above is excessive and would have

capped noneconomic damages in malpractice actions at \$500,000. These bills were not considered by the committees to which they were assigned and never made it to the floor of the house in which they were introduced. They are therefore ineligible for consideration during the 2006 session.

### **Immigrant Driver's Licenses**

In addition to authorizing eight-year driver's licenses and Internet renewal of licenses, House Bill 267 would have required that driver's licenses issued to a person visiting the United States on a limited duration visa expire upon the expiration of that visa. The bill met the crossover deadline and is eligible for consideration during the 2006 session.

### **Cell Phones and Driving**

House Bill 1104 would have banned the use of handheld cell phones while operating a motor vehicle and imposed a \$100 fine for a violation. The bill failed second reading in the House and therefore is not eligible for consideration during the 2006 session.

### **Violent Video Games**

Senate Bill 2 would have prohibited retailers from disseminating certain video games to minors, including those that appeal to a minor's morbid interest in violence or that otherwise are patently offensive to community standards. Violation would be a Class 1 misdemeanor. The bill also would have required that retailers provide a separate viewing area for those videos and that retailers inform customers of the availability of industry video game ratings. Having passed third reading in the Senate before the crossover deadline of June 2, Senate Bill 2 is eligible for consideration during the 2006 session.

### **Workers' Compensation Benefits Restrictions**

Senate Bill 984 was one of the more controversial bills considered during the 2005 session. The bill would have limited workers' compensation benefits for total and partial incapacity to the lesser of five hundred weeks or the period ending on the date the injured employee turned sixty-five. Senate Bill 984 was referred to the Senate Commerce Committee, and on May 17, hundreds of the bill's opponents besieged the committee's meeting room. The bill was never considered but some of its less controversial provisions were grafted onto House Bill 99 (originally authorizing a forestry license plate), enacted as S.L. 2005-448.

### **The Governor's Vetoes**

Governor Easley vetoed two bills enacted during the 2005 session, one early in the year and one after adjournment. The first was Senate Bill 130. As originally drafted, Senate Bill 130 would have amended the 2004 budget bill to require that the state transfer to Currituck County for \$1 the land on which the Currituck County Airport is situated. On March 10, 2005, a House committee substitute was adopted, adding a provision to require that the state convey the Polk Building in Charlotte to Johnson & Wales University for \$1. That property transfer was specifically exempted from a statutory provision requiring the approval of land sales by the Governor and Council of State. The Council of State subsequently approved the sale of the Polk Building to Trinity Capital Advisors LLC for \$5.25 million, raising the hackles of the House and Senate leadership. On March 25, 2005, the Governor vetoed Senate Bill 130, stating in his veto message that since the property had already been sold, the state could not lawfully sell the land to Johnson & Wales. On March 29 the Senate rereferred the bill to the Judiciary I committee, effectively sustaining Governor Easley's veto.

Eventually another bill transferring the Currituck County Airport land to Currituck County was ratified and signed by the Governor. S.L. 2005-18 (H 1061) provides that the county would pay the state \$40,000, representing the legal fees incurred in an attempt in early 2005 to give Currituck County that land.

The second bill vetoed by the Governor was House Bill 706, which would have provided alternatives to the required standard examinations for prospective teachers to demonstrate their qualifications for certification. The bill was intended to make it easier for school systems to hire teachers trained and licensed in other states. The Governor's veto message stated that the bill would reduce North Carolina teaching standards to the lowest in America and restrict the authority of the State Board of Education over teacher certification. After vetoing the bill on September 29, the Governor called the General Assembly back into a special veto session that was held on October 12. As with Senate Bill 130, the General Assembly did not attempt to override the Governor's veto.

## **The 2006 Session**

The adjournment resolution, Res. 2005-58 (S 1184), provides that the regular 2006 session of the General Assembly will convene at noon on May 9, 2006. Only the following may be considered during that session:

- Bills directly affecting the budget for fiscal 2006–07, if they are introduced by May 25, 2006
- Bills introduced in 2005 that passed third reading in the house of introduction by June 2, 2005, and were not unfavorably disposed of in the other house
- Bills implementing recommendations of various study commissions and committees, if they are introduced by May 17, 2006
- Noncontroversial local bills, if they are introduced by May 24, 2006
- Bills making appointments
- Bills authorized for introduction by a two-thirds vote of both houses
- Bills affecting state or local pension or retirement programs, if they are introduced by May 24, 2006
- Bills proposing constitutional amendments
- Resolutions regarding state government reorganization
- Bills disapproving administrative rules
- Adjournment resolutions

The adjournment resolution also provides that blank bills may not be introduced in the House of Representatives during the 2006 session. It authorizes the Speaker or the President Pro Tempore to appoint appropriate committees or subcommittees of their respective houses to meet during the period between sessions to review matters concerning the 2005–07 state budget, prepare reports (including revised budgets), or consider any other matters that the Speaker or the President Pro Tempore deems appropriate. Those committees are prohibited, however, from considering any bill or proposed committee substitute for a bill that originated in the other house. Conference committees are authorized to meet during the period between sessions upon approval of the Speaker or the President Pro Tempore.

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