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The General Assembly

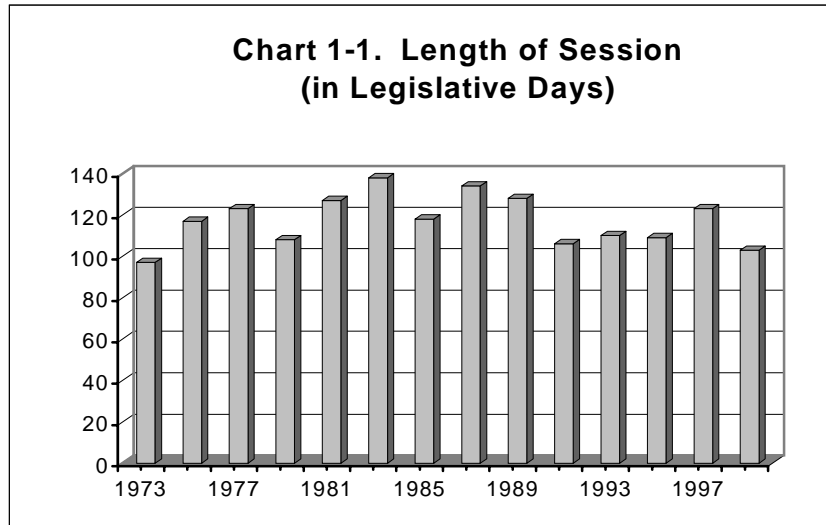
The 1999 session of the North Carolina General Assembly was in many respects an efficient and businesslike session. It was the briefest “long” session since the General Assembly initiated annual sessions in 1973. The 1999 session ran just over one hundred legislative days, some fifteen working days less than the average length of “long” sessions between 1973 and 1999 and 20 percent shorter than the 1997 session. Also, for the first time in two decades, work on the biennial state budget was completed prior to the start of the budget’s first fiscal year.

This is not to say that the session was without drama and controversy. A spirited election for the House Speakership on opening day was decided by a one-vote margin. A controversy over financing major capital improvements in The University of North Carolina system dominated the closing days of the session. In between there were debates over issues as diverse as allocation of funds from the tobacco settlement, the timing of repayment of illegally collected taxes, the scope of incentives for economic development, and the equity of the state’s ABC permitting system. Still, for the most part the 1999 session was marked by a sense of steady, quiet work rather than heated controversy.

Overview of the 1999 Legislative Session

The North Carolina Constitution (art. II, sec. 11) 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*. Beginning with the 1973–75 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 mid-summer. In the short session the General Assembly generally considers adjustments for the second year of the biennial budget, bills that have passed one but not both houses of the legislature, and a limited number of additional noncontroversial matters. Legally the “short” session is a continuation of the “long” session.

The 1999 session of the General Assembly convened on January 27, 1999, and adjourned July 21, 1999 (to reconvene on May 8, 2000). The Senate met for 101 legislative days, the House of Representatives for 103. This made 1999 the briefest “long” session since 1973, the first year the General Assembly went to annual sessions. Since initiating annual sessions, the “long” session has averaged meeting for about 117 legislative days (using the longer session if the two houses met for a differing number of days). Chart 1-1 below illustrates this fact. The length of the session was also in marked contrast to the 1998 session, which was by far the longest “short” session on record, not adjourning until the end of October. In 1999 the General Assembly continued its practice of meeting Monday evenings through Thursday afternoons, with occasional Friday sessions (art. II, sec. 20 of the North Carolina Constitution provides that once in session, either house may adjourn on its own motion for a period not in excess of three days).

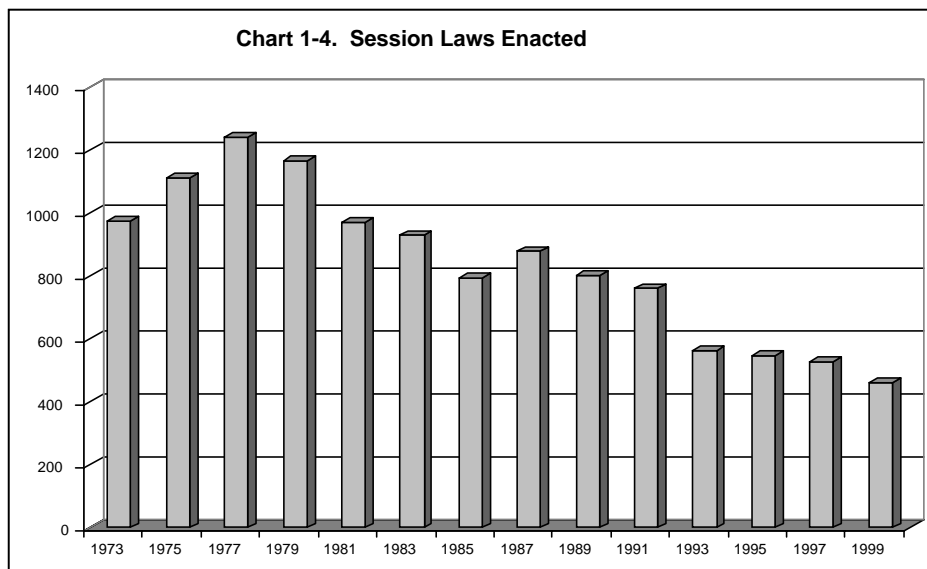
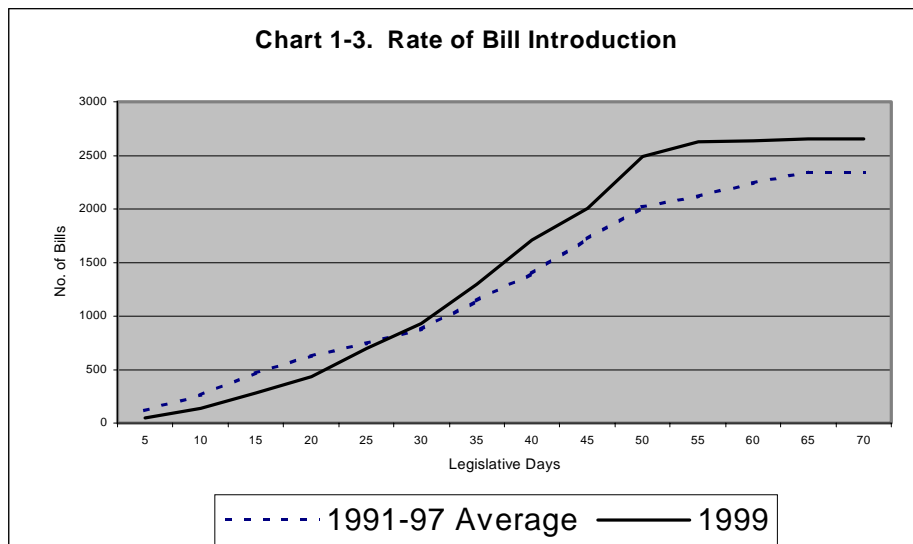
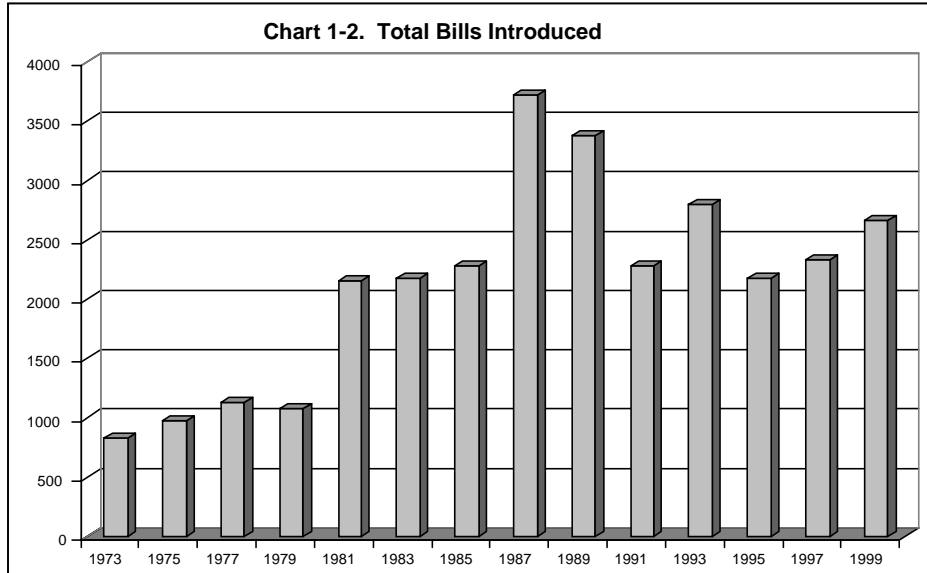


During the 1999 session, the volume of legislative activity was generally consistent with trends established in past years. The number of bills introduced was somewhat larger than average. 1,175 bills were introduced in the Senate and 1,489 in the House of Representatives. This total of 2,664 introductions was the fourth highest total since 1973. Chart 1-2 illustrates this trend. Included within this total, however, was a substantial number of “blank bills,” bills that have no substantive provisions at the time of introduction. Of the bills introduced, 535 (20 percent of the total) were blank bills; of these blank bills, 397 were local bills, 112 public bills, and 26 appropriation bills. Substantive provisions were later added to some of these bills, but the majority remained blank.

While the total number of introductions was higher, the rate at which bills were introduced was slower than in most years in the 1990s. Chart 1-3 illustrates that for the first twenty-five days of the session, the number of bill introductions was below average, but by the seventieth legislative day (after the bill introduction deadlines), the number of introductions was well above average.

Still, as Chart 1-4 illustrates, the number of session laws enacted continued a two-decade declining trend: 471 new session laws were enacted, the lowest total since annual sessions were initiated.

Tables 1-1 and 1-2, reproduced at the end of this chapter, provide more detailed statistical information of the 1999 session.



Major Legislation Enacted in 1999

Among the major pieces of legislation enacted this session are the following, each of which is discussed in some detail in the indicated chapter:

- adoption of the biennial state budget (operating, expansion, and capital) prior to the start of the 1999–2000 state fiscal year (Chapter 2)
- legislation to implement recommendations made by the Governor’s Domestic Violence Task Force (Chapter 4)
- creation of the State Judicial Council and new judicial trial court divisions (Chapter 6)
- revisions in campaign finance laws, including a “Stand by Your Ad” requirement and institution of “no-excuse” absentee voting for some elections (Chapter 8)
- continuation of substantial salary increases needed to bring North Carolina teacher salaries up to the national average (Chapter 9)
- increases in the consequences for students engaging in school violence and establishing potential financial liability for parents (Chapter 9)
- creation of institutions and policies regarding distribution of substantial funds expected to be received from tobacco companies that are being paid to settle suits brought by the states (Chapters 2, 10, and 11)
- adoption of new air and water quality protections, including new requirements for auto emissions testing and a continuation of the moratorium on new swine farms (Chapter 10)
- strengthening of the requirements for incorporation of new cities and the requirements for municipalities to become eligible to receive state shared revenues (Chapter 15)
- strengthening of provisions on impaired driving (Chapter 18)
- numerous revisions in statutes regulating adult care facilities (Chapter 21)
- expansion of the Smart Start program of early childhood education to all counties in the state (Chapter 23)
- extension of existing economic development tax credits and creation of new tax incentives for economic development, community development, provision of low-income housing, and historic preservation (Chapter 25).

In several key policy areas the General Assembly did not reach consensus on legislation. The General Assembly did refer a number of these important topics to study commissions, legislative committees, or the Legislative Study Commission for further consideration. In most instances reports from these studies can be made either during the 2000 legislative session or to the 2001 General Assembly. Among these topics (and the chapters where they are discussed in detail) are:

- a special legislative committee to review potential increases in the homestead property tax for low-income elderly and disabled persons (Chapter 21)
- a study commission to examine state and local tax structure (Chapter 16)
- a study commission to examine urban growth management issues (Chapter 14)
- a blue ribbon study commission on financing state transportation needs (Chapter 14)
- a study commission to undertake a comprehensive review of state election laws (Chapter 8).

The Legislative Institution

Party Composition and Demographics

All members of the General Assembly are elected to two-year terms that commence in odd-numbered years. The number of Democrats in the General Assembly substantially increased in 1999, while the demographics remained relatively constant. The number of women members increased by two, the number of African-American members decreased by one, and the number of Native American members was unchanged.

In the 1999 session the Senate had thirty-five Democrats and fifteen Republicans. There were seven female and seven African-American members of the Senate. This twenty-seat margin for the Democrats doubled their 1997 majority (which was an increase from a two-seat Democratic margin in 1995).

The House of Representatives had sixty-six Democrats and fifty-four Republicans. There were twenty-four female, sixteen African-American, and one Native American members of the House of Representatives. The Republicans had held a majority of seats in both 1995 (a twelve-seat margin) and 1997 (a two-seat margin), so this shift resulted in a change in legislative leadership.

Legislative Leadership

House of Representatives. The 1999 session of the General Assembly opened with an unexpectedly close race for the position of Speaker of the House of Representatives. After two sessions with a Republican Speaker, the position appeared to be safely in Democratic hands as the Democrats held a twelve-seat margin in the House. Prior to the session, the Democratic caucus had elected Rep. Jim Black of Charlotte, who served as Minority Leader in the 1997 session, as their nominee for Speaker. However, what was expected to be a routine election on opening day turned out to be perhaps the most exciting vote of the entire session. Rep. Harold Brubaker, the Republican Speaker for the 1995 and 1997 sessions, nominated former Speaker Dan Blue for the post. Rep. Blue, a Raleigh Democrat, had served as Speaker in 1991 and 1993 (and was the state's first African-American Speaker). This unlikely coalition, which did not become public until the voting began, very nearly pulled off the surprise of the session as Rep. Blue came within a single vote of being elected. The repercussions of the Democratic defections on this leadership vote continued to be felt during much of the session.

Other officers of the House of Representatives were as follows: Rep. Joe Hackney served as Speaker Pro Tempore. Denise Weeks was the Principal Clerk and Robert Samuels the Sergeant-at-Arms. Other House leaders included Rep. Phillip Baddour as Majority Leader, Reps. Beverly Earle and Andy Dedmon as Majority Whips, Rep. Leo Daughtry as Minority Leader, Rep. Julia Howard as Minority Whip, and Rep. Carolyn Russell as Minority Joint Caucus Leader. Rep. Daughtry relinquished his post as Minority Leader late in the session to focus on a bid for the Republican gubernatorial nomination; he was replaced in that position by Rep. Richard Morgan. The chairs of the Appropriations Committee were Reps. Ruth Easterling, Thomas Hardaway, and David Redwine. Rep. William Culpepper chaired the Rules Committee. Reps. Baddour, Cunningham, Dedmon, Earle, and Hackney were ex officio members of all committees.

Senate. In the Senate, Sen. Marc Basnight was elected to his fourth term as President Pro Tempore of the Senate. Sen. Frank Balance was elected Deputy President Pro Tempore. Janet Pruitt was Principal Clerk, LeRoy Clark Reading Clerk, and Cecil Goins Sergeant-at-Arms. Sen. Roy Cooper served a second term as Majority Leader, and Sen. Luther Jordan was the Majority Whip. The Republicans had new leadership in this session. Sen. Patrick Ballentine was the Minority Leader and Sen. James Forrester the Minority Whip. The Base Appropriations Committee chairs were Sens. Fountain Odum, Beverly Purdue, and Aaron Plyler. Sen. Tony Rand continued to serve as chair of the Rules Committee.

Legislative Salaries and Benefits

Legislative Retirement. Section 28.22(b) of the 1999 Appropriations Act, S.L. 1999-237 (H 168), increased the state's employer contribution to the Legislative Retirement System from 21.70 percent to 22.70 percent.

Staff Salaries. Effective July 1, 1999, S.L. 1999-237 (H 168) increased the salaries of various legislative staff members. Section 28.7 increased the salaries of the principal clerks of the Senate and House of Representatives from \$81,696 to \$84,147; Section 28.8 increased the salary of the sergeant-at-arms and the reading clerks in each house from \$266 per week to \$274 per week. Section 28.9 raised other legislative staff annual salaries by 3 percent.

Legislative Procedure

Senate Rules. The Senate rules of procedure, set by S 1, were similar to the 1997 Senate rules. New provisions included the following: The rules prohibited operation of wireless telephones on the Senate floor or galleries while the Senate is in session and required that a motion by a Senator to change his or her vote must be made on the same legislative day that the vote is taken.

The Senate established the following standing committees: Agriculture, Environment, & Natural Resources; Appropriations & Base Budget; Appropriations on Department of Transportation; Appropriations on Education & Higher Education; Appropriations on General Government; Appropriations on Human Resources; Appropriations on Justice & Public Safety; Appropriations on Natural & Economic Resources; Children & Human Resources; Commerce; Education & Higher Education; Finance; Health Care; Information Technology; Insurance; Judiciary I; Judiciary II; State & Local Gov't; Pensions & Retirement & Aging; Rules & Operations of the Senate; Transportation; Ways & Means. The Senate also established the select committee on Tobacco Settlement Issues. Under the rules, neither select nor standing committees could hold closed meetings.

The Senate's bill filing deadlines were as follows: March 31, 1999, for local bills and April 14, 1999, for public bills and resolutions (other than memorial and adjournment resolutions). April 29, 1999, was set as the "cross over" deadline for consideration of House bills (other than bills required to be referred to the Senate Appropriations or Finance committees) during the 1999 or 2000 sessions. The 1999 rules deleted provisions allowing a member to file bills in draft form that were not prepared by the Legislative Services Office and added a provision that the Rules Committee must approve the form of bills established by the Legislative Services Office.

Other miscellaneous rule changes included the following: adding the chair of the Rules Committee to those who may make a motion to move a bill to another committee; prohibiting the subject of a defeated amendment from being included in another bill; clarifying that the Deputy President Pro Tempore can sign bills when presiding; and deleting the requirement that the chair of the committee that a bill went through must be on a conference committee on that bill.

House Rules. The rules of procedure for the House of Representatives were initially adopted as temporary rules by H 1 and then as permanent rules by H 51. The rules were similar to the 1997 House rules.

The most significant rule changes involved those regarding scheduling bills for action and moving bills between committees. Rule 36(a) required that the chair of the Rules Committee place a bill on the calendar no later than four legislative days after the date of the committee report on the bill, unless the bill is re-referred by the Speaker to another committee. The rules deleted a provision allowing a discharge petition to force a vote on removing a bill from committee but retained a provision allowing a motion to remove a bill from committee after proper notice is given. The rules allowed the Speaker to move a bill from one committee to another after it has been in the committee for ten legislative days (provided three days notice is given to the committee chair). The rules provided that the Rules Committee chair cannot place a favorably reported bill on the calendar if, before the bill is placed on the calendar, the Speaker refers the bill to another committee. Finally, the rules deleted Rule 39.2(b), which allowed the Speaker to re-refer a bill to another committee if a committee has failed to report the bill after ten legislative days of referral.

The House rules established forty-one standing committees and ten standing subcommittees. The 1999 committee structure is similar to that of the 1997 session, except as follows. New committees included: Aging (was a Human Resources subcommittee); Alcoholic Beverage Control; Children, Youth, & Families (was a Human Resources subcommittee); Cultural Resources; Economic Growth & Community Development; Financial Institutions (was a Commerce Subcommittee); Health (was an Insurance subcommittee); Highway Safety; Judiciary III; Judiciary IV; Law Enforcement; Marine Fisheries; Mental Health; Military, Veterans & Indian Affairs (was a State Gov't subcommittee); Occupational Safety & Health; Public Health; Public

Utilities (was a Commerce subcommittee); Small Business; State Parks & Properties (was a State Gov't subcommittee); State Personnel (was Public Employees); Travel & Tourism (was a Commerce subcommittee); UNC Board of Governors Nominating; Wildlife Resources. The rules deleted the Finance, Local, Regional, & State Revenues Subcommittee. In further changes regarding committees, the rules allowed two majority whips to serve on all committees, allowed the Speaker (when he or she appoints standing committee chairs) to designate one additional person who can serve on all committees, and provided that no more than four of the five additional committee members designated under Rule 26 may vote at any one committee meeting based on their status as additional members.

The House established the following deadlines for filing bills. Local bills: March 31, 1999. Public agency and study commission bills: March 3, 1999. Appropriations bills: April 28, 1999. Public finance bills: May 12, 1999. Other public bills: April 14, 1999. April 29, 1999, was established as the "cross over" deadline for consideration of Senate bills (other than bills required to be referred to the House Appropriations or Finance committees) during the 1999 or 2000 sessions. The 1999 rules deleted a provision limiting to ten the number of public bills that may be introduced by a member. The rules provided that there can be no more than four principal sponsors for a bill.

Other miscellaneous rule changes included deleting provisions regarding the consent calendar. The 1999 rules also allowed the Speaker Pro Tempore, as well as the Rules chair, the majority leader, and other designated members, to move the previous question.

2000 Session

The General Assembly will reconvene at noon on Monday, May 8, 2000. Only the following matters may be considered during that session:

- bills directly affecting the budget for fiscal year 2000–2001, provided the bill is introduced by May 25, 2000;
- bills introduced in 1999 and having passed third reading in the house of introduction and 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 such are introduced by May 17, 2000;
- non-controversial local bills, provided such are introduced by May 24, 2000;
- 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 such are introduced by May 24, 2000; and,
- resolutions regarding state government reorganization, memorial resolutions, adjournment resolutions, resolutions disapproving administrative rules, and resolutions regarding constitutional amendments.

Blank bills may not be introduced in the House of Representatives during the 2000 session.

In addition to the regular "short" session, Governor Hunt has indicated that a special legislative session may be called to address the impacts of Hurricane Floyd.

Constitutional Amendment Proposals

The 1999 session considered fifteen proposed amendments to the Constitution of North Carolina, covering a range of subjects from state legislative organization to paternity determinations. Four bills were passed by their house of origin. One of those four was defeated in the second house, and the other three remain in committee in the second house. Eleven bills remain in committee in their house of origin.

Under the adjournment resolutions of recent odd-year regular sessions, constitutional amendment bills not passed by either house by the time of adjournment died. The adjournment resolution (Res. 22) this year, however, simply provided that “[c]onstitutional amendments” (not otherwise defined) are eligible for consideration in the 2000 regular session. Apparently, then, all constitutional amendment bills not disposed of by rejection on the floor of either house remain eligible for further consideration and action in 2000.

Greatest attention was paid to S 12, calling for the appointment by the Governor of all supreme court justices and court of appeals judges, subject to nonpartisan voter confirmation at the next general election held more than eighteen months after the appointment and further subject to voter confirmation at eight-year intervals thereafter. Passed by the Senate, S 12 failed on its second reading in the House of Representatives.

A second courts bill, H 96, would authorize the General Assembly to prescribe that superior court judges be elected by the voters of their judicial divisions (now they are elected by the voters of each judicial district).

The General Assembly itself is the focus of four amendment proposals.

S 9, passed by the Senate and now in the House Rules Committee, would limit the length of legislative sessions. It is one more attempt to curb the tendency to stretch legislative sessions in both years to inconvenient lengths. Odd-year regular sessions would be limited to 135 calendar days or 145 days if extended by joint resolution. Even-year regular sessions would be limited to 60 calendar days or 70 if extended by joint resolution. Extra sessions called by the Governor are excluded from these calculations.

A second bill on the same subject, S 63, posing somewhat longer permissible session lengths, remains in the Senate Judiciary I Committee.

H 98, extending the terms of House and Senate members from the present two years to four years, remains in the House Rules Committee.

H 1180, another manifestation of the idea that the voters should be barred from re-electing their legislators without limit, would cap legislative service after 2001 at four consecutive terms in the Senate and four consecutive terms in the House. The bill remains in the House Elections Law Committee. Fifty of the 120 House members serving in 1999 have already completed four or more House terms.

S 409 calls for an amendment creating an Independent Redistricting Commission of nine members. Three members would be selected by the Governor, two members by the Chief Justice, two by the President Pro Tempore of the Senate, and two by the Speaker of the House of Representatives. The Commission would be charged with the duty of redistricting and reapportioning the Senate and House of Representatives and redrawing the congressional districts every decade. The General Assembly would lose all authority on those matters.

Two bills, H 1161 and S 79, propose amendments to require that candidates for governor and lieutenant governor run jointly (as do candidates for president and vice president) so that a single vote would be cast for the voter’s preferred team.

When the constitution was earlier amended to recognize the right of eighteen-year-old citizens to vote, it retained twenty-one as the minimum age for holding popularly elected public office. H 930 would lower the elective office-holding age to eighteen, except where the constitution specifically requires an older age—for example, a person must be thirty to be governor, twenty-five to be a state senator. Passed by the House, it awaits action in the Senate in 2000.

Following the lead of California and a few other states, H 1467 would require voter approval of every “law levying a tax upon the people of the State,” unless an emergency not exceeding four years in duration is declared by the Governor.

The homestead exemption was an active topic of legislative concern because of the negative impact of rising property values on the tax bills of low-income homeowners, especially elderly homeowners. H 130 would authorize the General Assembly to empower each county to increase the homestead exemption and to define the qualifying homeowner’s income in that county. S 286, pending in the House Rules Committee after passage in the Senate, is identical to H 130.

S 342 would eliminate the constitutional right of jury trial “in civil cases in which paternity is contested.” The apparent impetus for this proposal is a requirement of the 1996 federal welfare reform law tied to federal welfare and child support funding for the states.

Finally, H 1396 would make the remarkably far-reaching declaration that “[h]ealth care is an essential safeguard of human life and dignity, and there is an obligation for the State to ensure that every resident is able to realize this fundamental right.” The General Assembly would be required to provide for a universal health insurance plan by May 31, 2004.

Statistics for 1999 Session

Table 1-1. Length of Legislative Sessions

	1999	1997	1995	1993	1991
Date convened	Jan. 27	Jan. 29	Jan. 25	Jan. 27	Jan. 30
Date adjourned	July 21	Aug. 28	July 29	July 24	July 16
Senate legislative days	101	123	109	109	99
House legislative days	103	123	108	110	106

	1989	1987	1985	1983	1981
Date convened	Jan. 11	Feb. 9	Feb.5	Jan. 12	Jan. 14
Date adjourned	Aug. 12	Aug. 14	July 18	July 22	July 10
Senate legislative days	128	125	118	137	126
House legislative days	128	134	118	138	127

	1979	1977	1975	1973	<i>Mean 1973–99</i>
Date convened	Jan. 10	Jan.12	Jan. 15	Jan. 10	—
Date adjourned	June 8	July 1	June 26	May 24	—
Senate legislative days	108	123	117	97	<i>115.7</i>
House legislative days	108	123	117	97	<i>117.1</i>

Table 1-2. Statistical Analysis of Legislative Sessions

	1999	1997	1995	1993	1991
Senate bills introduced	1,175	1,089	1,103	1,299	966
House bills introduced	1,489	1,245	1,070	1,499	1,314
Total bills introduced	2,664	2,334	2,173	2,798	2,280
Session Laws enacted	462	528	546	563	761
Vetoes	0	0	—	—	—
Joint resolutions ratified	22	33	15	31	30
Simple resolutions adopted	24	11	7	7	7
Total measures passed	508	572	568	601	798
% measures passed	19.0%	24.5%	26.1%	21.5%	35.0%

	1989	1987	1985	1983	1981
Senate bills introduced	1,337	1,557	854	701	772
House bills introduced	2,038	2,166	1,424	1,476	1,384
Total bills introduced	3,375	3,723	2,278	2,177	2,156
Session Laws enacted	802	879	793	929	970
Vetoes	—	—	—	—	—
Joint resolutions ratified	34	37	34	55	66
Simple resolutions adopted	24	9	12	8	12
Total measures passed	860	925	839	992	1,048
% measures passed	25.5%	24.8%	36.8%	45.5%	48.6%

	1979	1977	1975	1973	<i>Mean 1973–99</i>
Senate bills introduced	945	917	952	955	
House bills introduced	1,535	1,534	1,284	1,362	
Total bills introduced	2,480	2,451	2,236	2,317	2,532
Session Laws enacted	1,077	1,131	975	826	803
Vetoes	—	—	—	—	0
Joint resolutions ratified	84	99	121	117	56
Simple resolutions adopted	6	11	15	31	13
Total measures passed	1,167	1,241	1,111	974	872
% measures passed	45.2%	50.6%	49.7%	46.8%	35.7%

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