

LEGISLATIVE PROCESS 101:

HOW A BILL BECOMES A LAW IN NC

Kara McCraw
Legislative Analysis Division

Jeff Cherry
Bill Drafting Division

North Carolina General Assembly

PLPL

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TODAY WE'LL COVER ...

Legislative Process in NC, including ...

1) Overview of the NC General Assembly

2) NC Constitution, statutes, and legislative rules

3) Steps for enactment of a bill

4) Special bill types

QUESTION TIME

Q. What percentage
of members of the
General Assembly
are attorneys?

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ANSWER

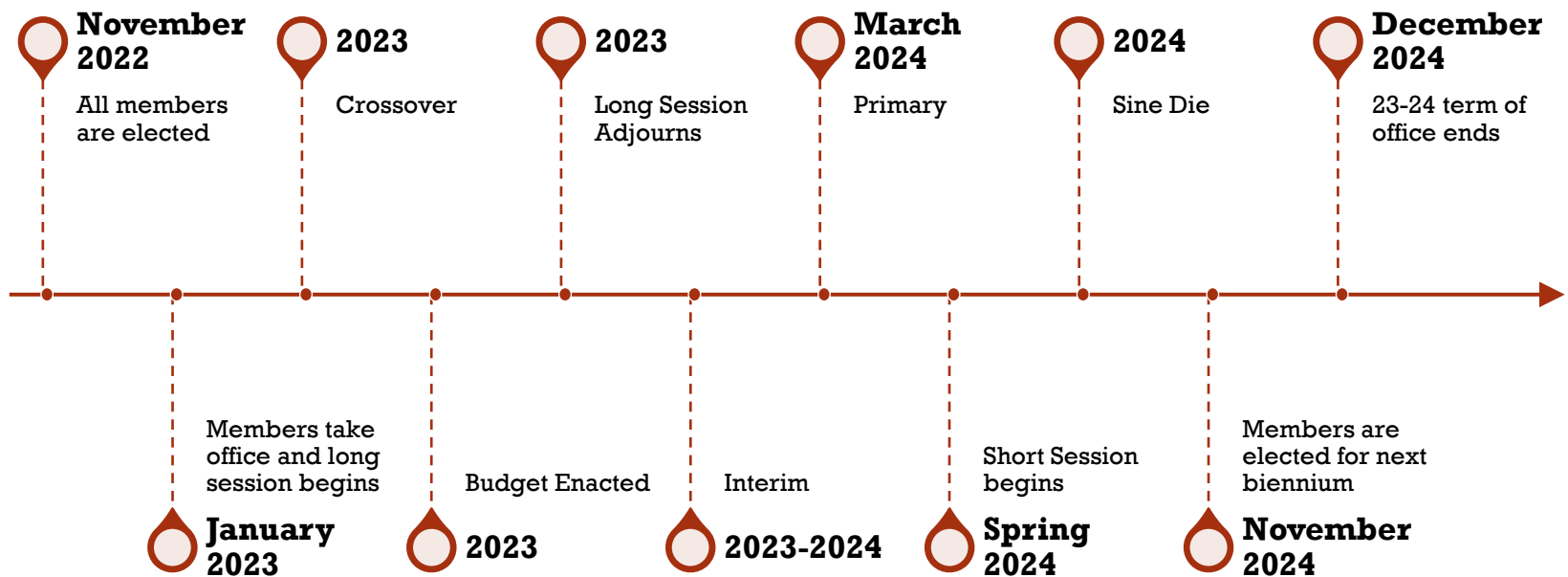
Q. What percentage of members of the General Assembly are attorneys?

A: Less than 20%



NC GENERAL ASSEMBLY

LEGISLATIVE CYCLE



QUESTION TIME

Q. The longest serving member of the House of Representatives has served how many terms of office?

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ANSWER

Q. The longest serving member of the House of Representatives has served how many terms of office?

A: Rep. Julia Howard (Davie) has served 17 Terms



HOUSE OF REPRESENTATIVES

- 120 Members: Each represents a District with a population of 79,462
- 2 year term of office.
- 69 Republicans/51 Democrats.
- 34 Standing Committees.

QUESTION TIME

Q. The longest serving member of the Senate has served how many terms of office?

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ANSWER

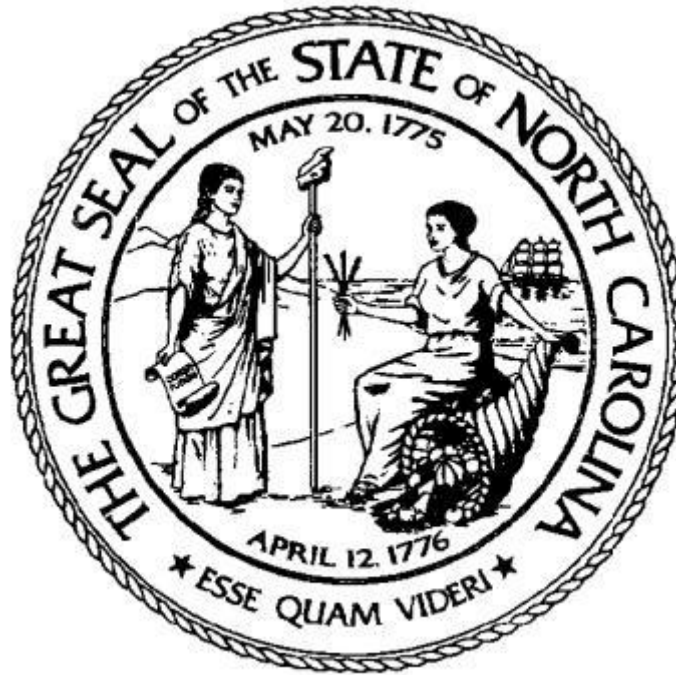
Q. The longest serving member of the Senate has served how many terms of office?

A: Sen. Phil Berger has served 11 terms.



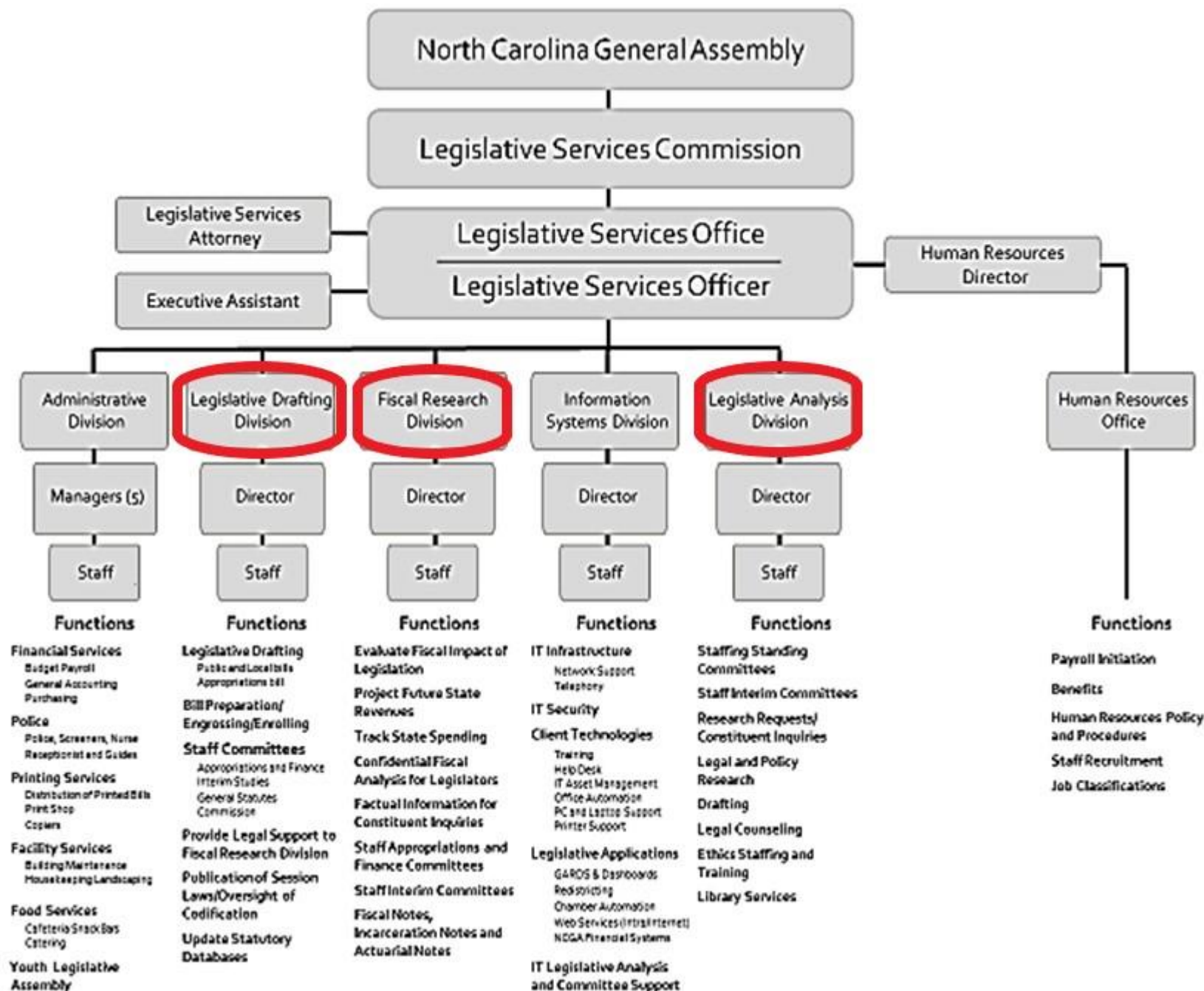
SENATE

- 50 members - Each represents a District with a population of 190,710
- 2 year term of office
- 28 Republicans/22 Democrats
- 12 Standing Committees



LEGISLATIVE SERVICES OFFICE

- Nonpartisan Central Staff
- 5 Major Divisions



QUESTION TIME

Q. What are the requirements for the General Assembly to call itself into extra session?

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ANSWER

Q. What are the requirements for the General Assembly to call itself into extra session?

A: Written requests from 3/5s of the membership of each chamber.

WHAT IMPACTS THE LEGISLATIVE PROCESS?



- NC Constitution – Article II
 - Grant of Legislative Authority
 - Makeup of Body
 - Membership and Qualifications
 - Chamber Leadership
 - Biennial Terms
 - Regular Sessions
 - Extra (Special) Sessions
 - Limits on Legislative Authority
 - Veto and Limits
 - Revenue Law Requirements
 - Local Acts Limitations

WHAT IMPACTS THE LEGISLATIVE PROCESS?



- General Statutes – Chapter 120
 - Article 5A - Committee Powers
 - Subpoena power
 - Hearings under oath
 - Article 6
 - Coded Bill Drafting
 - Default Effective Date
 - Article 7A, 7B, 15
 - Fiscal Notes
 - Actuarial Notes
 - Federal Certifications
 - Article 17 – Legislative Confidentiality

WHAT IMPACTS THE LEGISLATIVE PROCESS?



- Chamber Rules
 - Establishes Committees
 - Limits on numbers of bills introduced (House)
 - Timelines for introducing different types of bills
 - Crossover requirement
- Adjournment Resolution
 - Long session adjournment resolution controls bills heard in short session

WHAT IMPACTS THE LEGISLATIVE PROCESS?

2021 Adjournment Resolution (HJR 979):

- A JOINT RESOLUTION ADJOURNING THE 2021 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.
- Be it resolved by the House of Representatives, the Senate concurring:
 - **SECTION 1.(a)** When the House of Representatives and the Senate adjourn on Friday, December 10, 2021, they stand adjourned to reconvene on Thursday, December 30, 2021, at 12:00 noon.
 - **SECTION 1.(b)** During the regular session that reconvenes on Thursday, December 30, 2021, only the following matters may be considered:
 - (1) Bills returned by the Governor with his objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.
 - (2) Bills providing for the selection, appointment, or confirmation as required by law, including the filling of vacancies of positions for which the appointees were elected by the General Assembly upon recommendation of the Speaker of the House of Representatives, President of the Senate, or President Pro Tempore of the Senate.
 - (3) Bills providing for action on gubernatorial nominations or appointments.
 - (4) Bills concerning the districts for Congressional, State House, State Senate, judicial, municipal, county, and other elected officials and containing no other matters.
 - (5) Bills responding to actions related to litigation challenging the legality of legislative enactments, including litigation concerning the matters listed in subdivision (4) of this section, and containing no other matter.
 - (6) Bills returned on or before Friday, December 10, 2021, to the house in which the bill originated for concurrence.
 - (7) Adoption of conference reports for bills for which conferees had been appointed by both houses on or before Friday, December 10, 2021.
 - (8) Bills providing for impeachment pursuant to Article IV of the North Carolina Constitution or Chapter 123 of the General Statutes.
 - (9) Simple resolutions addressing organizational matters of each respective house.
 - (10) A joint resolution further adjourning the 2021 Regular Session or amending a joint resolution adjourning the 2021 Regular Session to a date certain.



HOW A BILL BECOMES A LAW

QUESTION TIME

Q. At which stage of the legislative process is a vote not taken on a bill?

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ANSWER

Q. At which stage of the legislative process is a vote not taken on a bill?

A: First Reading.

ELEMENTS OF A BILL

Chamber of Origin	GENERAL ASSEMBLY OF NORTH CAROLINA	Edition Number
↓	SESSION 2021	↓
<div>S</div>	↓ Bill Number	<div>5</div>
	<div>SENATE BILL 654</div>	
⇒ Bill History	<div>Education/Higher Education Committee Substitute Adopted 4/28/21 Third Edition Engrossed 5/4/21 House Committee Substitute Favorable 6/9/21 House Committee Substitute #2 Favorable 6/9/21</div>	
<div>Short Title: K-12 COVID-19 Provisions.</div>		← Short Title
		<div>(Public)</div>
Sponsors:		↑
Referred to:		Public or Local Designation
↓ Long Title	April 7, 2021	
1	<div>A BILL TO BE ENTITLED</div>	
2	<div>AN ACT TO PROVIDE RELIEF TO PUBLIC SCHOOLS IN RESPONSE TO THE</div>	
3	<div>CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC.</div>	
4	<div>The General Assembly of North Carolina enacts:</div>	⇒ Enacting Clause

MOTIONS

Rules establish Parliamentary Procedure in Both Chambers

- House – Chamber Rules + Mason's Manual of Legislative Procedure
- Senate – Chamber Rules + Rules of US House of Representatives

Motions are used in committee for bills

- Motion for Favorable Report
- Motion for Unfavorable Report
- Motion to Report without Prejudice
- Roll Call
- Division

Motions are also used on the chamber floor

- Motion to Table
- Motion to Reconsider
- Motion to Call the Previous Question
- Division of Amendments

Chamber of Origin Fails to Concur
in Changes



Conference Committee

Chambers Adopt Conference
Report

BILL ACTION IN CONFERENCE

Local Bill and
Public Bill not
Subject to Veto

- Ratified and becomes law

Public Bill
Subject to Veto

- Ratified and sent to Governor

RATIFICATION

QUESTION TIME

Q. While the General Assembly is in session, how long does the Governor have to act on a bill once it is ratified?

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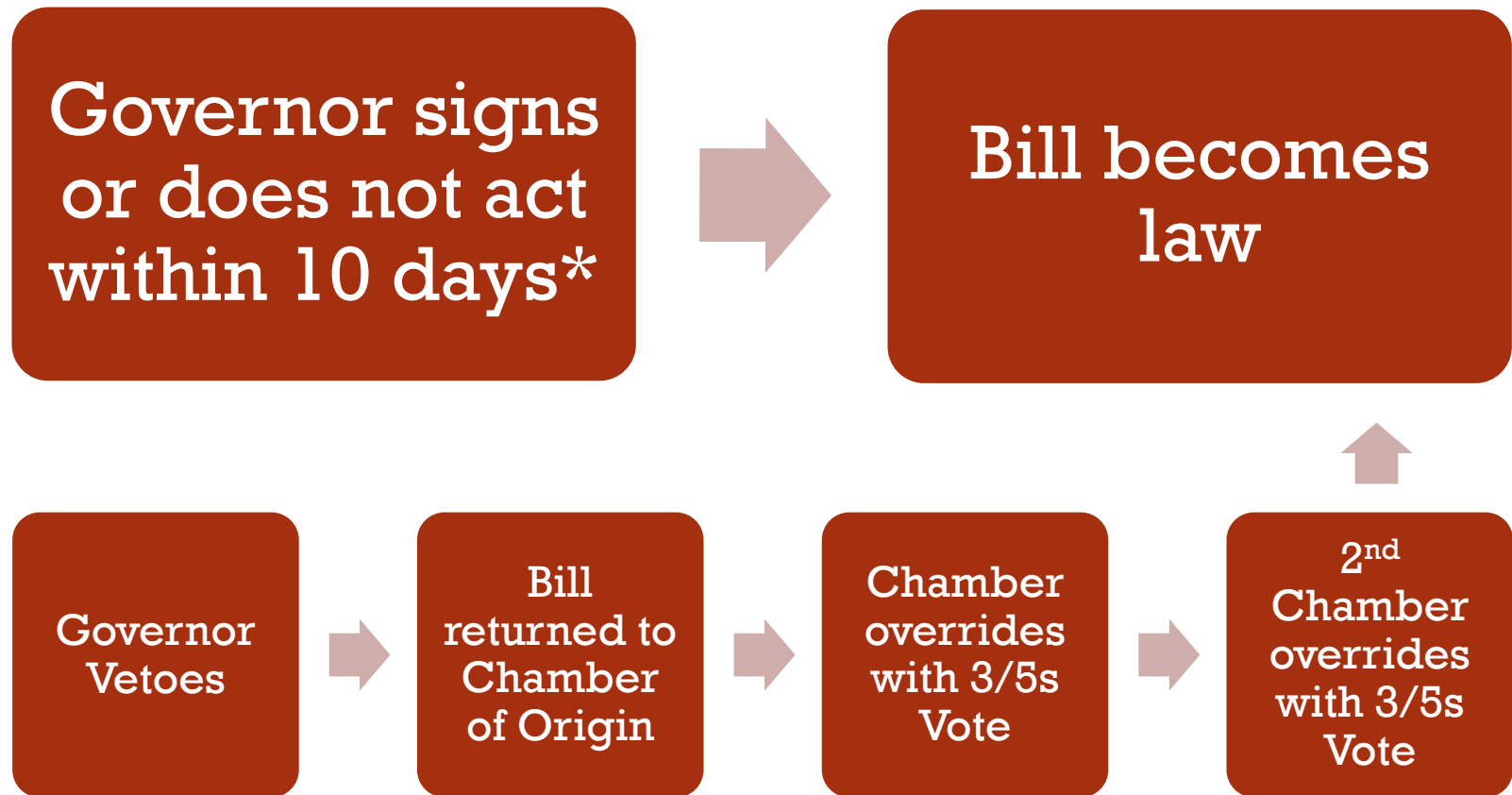


ANSWER

Q. While the General Assembly is in session, how long does the Governor have to act on a bill once it is ratified?

A: 10 days

GOVERNOR'S VETO



*30 days if the General Assembly has adjourned.



TYPES OF BILLS

All bills are either
Public or Local

All bill language is
either codified or
uncodified

Some bills have special
requirements or
consideration

- Appropriations
- Finance
- Bills with Additional Documentation

QUESTION TIME

Q. Which of the following does the NC Constitution prohibit from being passed by local act?

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ANSWER

Q. Which of the following does the NC Constitution prohibit from being passed by local act?

A: All of the above.
Art II, Sec. 24 prohibits, among other items, local acts changing the names of cities, towns, and townships, and relating to ferries, bridges, or cemeteries.

PUBLIC BILLS VS LOCAL BILLS

- Bills, when drafted, must be designated as a public bill or local bill.
 - A public bill is a bill affecting 15 or more counties.
 - A local bill is one affecting fewer than 15 counties. (but certain subjects—public anyway, even if local in impacted area)
- Why is this important?
 - With only a few exceptions based on subject matter, public bills are subject to the Governor's veto.
 - Local bills do not require the Governor's signature to become law. Local bills become law as soon as enacted and ratified by the General Assembly.
 - However! Beware – a bill that is designated public may in fact be a local bill for purposes of Constitutional veto or prohibited subjects!

QUESTION TIME

Q. When would a bill not use coded bill drafting?

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ANSWER

Q. When would
a bill not use
coded bill
drafting?

A: When the bill
creates a
biennial study
committee.



CODED BILL DRAFTING

North Carolina requires, by statute, the use of coded bill drafting.

This means that all changes to existing law are shown by deleting existing text and underlining new text.

It also means that all new text that will be included in the General Statutes (codified) is underlined.

SPECIAL BILL CONSIDERATIONS: APPROPRIATIONS

- Process governed by the State Budget Act (Chapter 143C).

Notable-

- Order of Appropriations bills (Budget passed first!) 143C-5-2.
- Role of Committee Report (a.k.a. Money Report) 143C-5-5.
- Budget Adjustments (wiggle room) 143C-6-4. (but see 143C-6-5, no adjustments allowed if NCGA has already considered and not adopted).
- Remember, the long session (odd year) budget bill is a biennial budget, and the short session adjusts the prior long session's bill.

SPECIAL BILL CONSIDERATIONS: APPROPRIATIONS

- What language do you need to enact an appropriation?
 - An amount (“The sum of XX dollars (\$xx.xx...)”)
 - The magic words (“...is appropriated” or “There is appropriated...”)
 - The recipient
 - Recurring or nonrecurring?
 - The Session (“for the 2023-2024 fiscal year” or “for each year of the 2023-2025 fiscal biennium”)
 - The purpose (“to support XX” or simply “for XX”)

SPECIAL BILL CONSIDERATIONS: APPROPRIATIONS

“The sum of two million dollars (\$2,000,000) in nonrecurring funds for the 2022-2023 fiscal year is appropriated to the General Assembly for a contract with Van Halen for the Legislative Drafting Division holiday party.”

Why will you NEVER find language like this in the actual budget bill?

Because it would cause a “double appropriation” (the tables at the front of the budget bill actually appropriate all the money).

QUESTION TIME

Q. Which of the following is a “five-day” bill?

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ANSWER

Q. Which of the following is a “five-day” bill?

A: A bill creating a new sales tax.

SPECIAL BILL CONSIDERATIONS – FINANCE BILLS

- Finance Bills

- Constitutional Requirements

- Article II, Sec. 23 (how we determine what is a “roll call bill”)

“No law shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.”

- Article V, Sec. 2:

- Exclusive
 - Equitable
 - For Public Purposes

SPECIAL BILL CONSIDERATIONS: ADDITIONAL DOCUMENTATION

- **Fiscal Notes** – Analyses the fiscal impact of legislation. May be requested by any member. Prepared by Fiscal Research Division
- **Incarceration Notes** – Required for all legislation that increases terms of incarceration to estimate cost impact. Prepared by Fiscal Research Division.
- **Actuarial Notes** – Required for all legislation proposing changes to publicly funded pension systems and State funded benefits for State employees and teachers. Prepared by Fiscal Research Division.
- **Municipal Incorporation/Assessment Report** – Required recommendation for municipal incorporation from Municipal Incorporations Subcommittee of the Joint Legislative Committee on Local Government
- **Federal Certifications** – Required for legislation necessary to implement or comply with federal law. Prepared by Legislative Analysis Division.

QUESTIONS?

Thank you for your time!