



THE NORTH CAROLINA GENERAL ASSEMBLY

Overview of the Structure, Legislation and
Process of North Carolina's Legislature



UNC
SCHOOL OF GOVERNMENT

Contents

I. Structure of the North Carolina General Assembly	2
II. Categories of Laws	3
III. Categories of Acts and Bills	5
IV. How a Bill Becomes Law	6
V. Local Acts	10
VI. Researching Bills	11

Resources

- General Assembly: www.ncleg.gov
- School of Government Legislative Reporting Service (Daily Bulletin and bill digests): <https://lrs.sog.unc.edu/>



Source: This guide contains information derived from the North Carolina General Assembly website: www.ncleg.gov.

Author: This guide was authored by Norma Houston, Lecturer in Public Law & Government, UNC School of Government. Houston is currently on leave from the School of Government serving as Chief of Staff to UNC President Peter Hans.

The North Carolina General Assembly



Senate Chamber



House of Representatives Chamber

I. Structure of the North Carolina General Assembly

The North Carolina General Assembly is comprised of two chambers: The Senate, which has 50 members, and the House of Representatives, which has 120 members. Each legislator represents either a Senatorial District or a House District. All 170 members serve a two-year term and stand for reelection every even-numbered year. Legislative offices in North Carolina are not subject to term limits.

In North Carolina, the length of legislative sessions is not limited by the state Constitution or state law. Thus, the length of time the General Assembly is in session varies from year to year.

Regular sessions of the General Assembly are held on a biennial basis which coincides with the election cycle of legislators. The General Assembly convenes its regular session beginning in January of each odd-numbered year (commonly referred to as the “Long Session”) and adjourns to reconvene the following even-numbered year for a shorter session (commonly referred to as the “Short Session”). Typically, the Short Session reconvenes after the spring primary election. When the General Assembly is not convened in regular session, it may meet in a “Special Session” to consider extraordinary or emergency matters that require immediate attention.

During the regular session, the Senate and the House generally convene in their respective chambers on Monday evenings and during the day on Tuesday, Wednesday, and Thursday. The members return to their districts on Thursday afternoon or Friday to take care of their business and personal affairs and be available to their constituents. During the week, committee meetings typically are held in the morning and late afternoon. A great deal of the legislative work is done in the committee meetings.

The House of Representatives is presided over by the Speaker of the House, a member of the that chamber who is elected from among its membership. The presiding officer of the Senate (called the President of the Senate) is the Lieutenant Governor of the State. The Lieutenant Governor has no vote in the Senate except to break a tie. The Senate and House also elect other officers from among their respective memberships, including the President Pro Tempore in the Senate, whose powers over the operations of the Senate are essentially equal to those of the Speaker of the House such as assigning offices, establishing committees, and appointing committee chairs, vice-chairs, and committee members. Both the offices of Speaker of the House and President Pro Tempore of the Senate are established by the North Carolina Constitution (Article II, Sections 14, 15).

Both the Senate and the House elect three chamber officers who are responsible for important administrative functions of the chamber:

1. The **Principal Clerk** who is responsible for keeping the official records of the body, filing bills, and documenting all chamber actions in the chamber's journal.
2. The **Sergeant-at-Arms** who is responsible for enforcing the directions of the President of the Senate or the Speaker of the House. The Sergeant at Arm's office is responsible for the security of the respective legislative body and maintenance of property of that chamber.
3. The **Reading Clerk** who reads all bills, orders, messages to the chamber and other documents which the constitution, rules, or the presiding officer require to be read during the daily session.

At the beginning of each session, the President Pro Tempore of the Senate and the Speaker of the House appoint members to serve on the standing committees of each body. Typically, there are a dozen or more committees for each chamber, and their work is very important as most every bill introduced will be considered by at least one committee in both the Senate and the House. Typically, every legislator serves on several committees. The standing committees are established in the rules of each chamber; chamber rules are typically adopted on the first legislative day of the Long Session.

II. Categories of Laws

The function of the legislative branch of government is to enact laws. By following chamber rules and Constitutional requirements, the General Assembly creates new laws, and amends or repeals existing laws. The laws enacted by the General Assembly can be classified in five general categories:

1. Laws regulating individual conduct

These laws prohibit certain acts or require certain acts by an individual in order to promote the interests of society generally. These laws include criminal statutes that prohibit or require certain conduct and impose penalties for violations such as fines, imprisonment, or both. These laws also include a wide array of provisions governing private sector activities such as business and industry, licensed professions and occupations, real estate transactions, insurance, contracts, utilities and financial institutions, wills and estates, marriage and divorce, labor and employment, consumer protection, health care, and judicial procedures.

2. Laws providing for services by the State

These laws authorize and direct services provided by the State and establish state agencies and, in some instances authorize local governments, to carry out these services. These services include public and higher education, hospital and health services, agricultural and industrial research, public facilities, environmental management, law enforcement and emergency management, and many others.

3. Laws establishing and authorizing functions of local governments

Under Article VII of the North Carolina Constitution, cities, counties, public schools, and other forms of local governments are created by the General Assembly and subject to state control. This control is generally exercised through the General Assembly by laws authorizing or directing local governments to perform certain governmental functions, authorizing the purposes for which local funds may be expended, and vesting local governments with specific authorities. The legislature also can restrict local government authorities and even prohibit local governments from taking certain actions.

4. Laws generating and expending public funds

When the General Assembly enacts legislation that generates and expends public funds, it makes two basic decisions: (1) how much funding is needed for governmental services and purposes (funds are most commonly generated through taxes and fees, and sometimes by incurring debt such as general obligation bonds), and (2) which governmental services and purposes are to be funded. To authorize the expenditure of public funds, the General Assembly enacts a biennial budget during the Long Session and adjusts the budget during the Short Session. The North Carolina Constitution requires the General Assembly to enact a balanced budget and the Governor to administer the budget enacted by the General Assembly in a balanced manner.

5. Amendments to the State Constitution

The General Assembly may propose amendments to the North Carolina Constitution. If an act to amend the Constitution is approved by at least three-fifths of the total membership of each chamber, the proposal is then submitted to the voters of the State. If a majority of the voters approve it, the proposed amendment becomes part of the State Constitution.

III. Categories of Acts and Bills

An Act of the General Assembly is legislation (a bill) that has become law. A bill becomes law when it passes both chambers and, if subject to gubernatorial consideration, signed by the Governor or not vetoed (and, if vetoed, both chambers override the veto). Bills are proposed acts. Acts and bills may be classified in three general categories:

1. Public Act

Legislation enacted into law that applies to the public at large and affecting 15 or more counties. A bill that proposes a public act is referred to as a “public bill.” Most public acts are codified in the North Carolina General Statutes.

2. Local Act

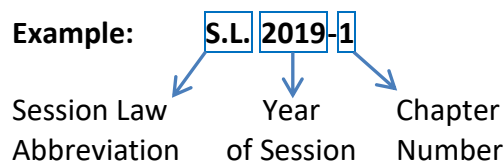
Legislation enacted into law that has limited application affecting fewer than 15 counties. A bill that proposes a local act is referred to as a “local bill.” Most local acts are not codified.

3. Resolution

Legislation that honors state institutions and deceased persons, adjourns sessions, establishes certain procedures for both chambers (such as setting the date and time for joint sessions in inviting dignitaries to address joint sessions), and sets out the rules of procedure for the Senate and House. The subject matter of resolutions is limited by the rules of the Senate and House. A simple resolution is one adopted by only one chamber; a joint resolution is adopted by both chambers.

Session Laws

After a bill becomes law, the term “bill” is no longer used. Instead, it is referred to as an Act of the General Assembly and published in a volume called the “Session Laws of North Carolina,” which collectively are the laws enacted during each session of the General Assembly. Once an act becomes law, it is assigned a Session Laws chapter number based on the chronological order in which the act became law during that legislative session (the first act to become law during the session is Chapter 1, the second is Chapter 2, etc.). The Session Law chapter number bears no relationship to the number assigned to the bill when it was filed (referred to as the “bill number”). For example, if House Bill 42 was the first bill to become law during the 2019 legislative session, it would not be assigned Chapter 42, but instead would be assigned Chapter 1 in the Session Laws for that session:



IV. How a Bill Becomes Law

Constitutional Requirements

To become law, a bill must satisfy certain requirements under the North Carolina:

- (1) It must be read three times in each chamber
- (2) It must be approved by both chambers
- (3) If the bill is subject to consideration by the Governor, it must be signed (or not vetoed) by the Governor. If the Governor does not sign or veto a bill within ten days after it has been presented to him/her, the bill automatically becomes law (the ten day period is extended to 30 days if the bill is presented to the Governor after the General Assembly has adjourned).

Outlined below is the general procedural process for a bill's movement through the General Assembly:

Bill Drafting

The Legislative Bill Drafting Division drafts bills at the request of the members of the General Assembly. The Office of the Attorney General may be called upon to draft bills for the State departments and agencies, including the General Assembly upon request. UNC School of Government faculty also assist in drafting legislation. Thus, legislators have several resources to which they may turn for bill drafting assistance, although the vast majority of bill drafting work is performed by the Bill Drafting Division. If the bill has a fiscal impact (meaning the bill requires funding to implement or otherwise affects the state budget), the Legislative Fiscal Research Division will prepare a Fiscal Note analyzing the bill's fiscal impact. If the bill proposes a change in criminal law, the Fiscal Research Division will prepare an Incarceration Note analyzing the impact on the state's prison population.

Introduction and First Reading

Only a member of the General Assembly may introduce a bill, meaning present the bill to the General Assembly for its consideration. That member is the bill's "sponsor."

To introduce a bill, the bill sponsor first files the bill with the Principal Clerk of that member's chamber. When the bill is filed, the Principal Clerk assigns the bill a bill number based on the sequential order in which the bill is filed (for example, the first bill filed in the Senate during a legislative session will be assigned Senate Bill 1, the second bill filed will be assigned Senate Bill 2, and so on). After filing, the bill is introduced (presented) in the chamber during the daily legislative session. The Reading Clerk reads aloud the name of the sponsor, the bill number, and the bill title. At this point the bill passes its constitutionally required *first reading*.

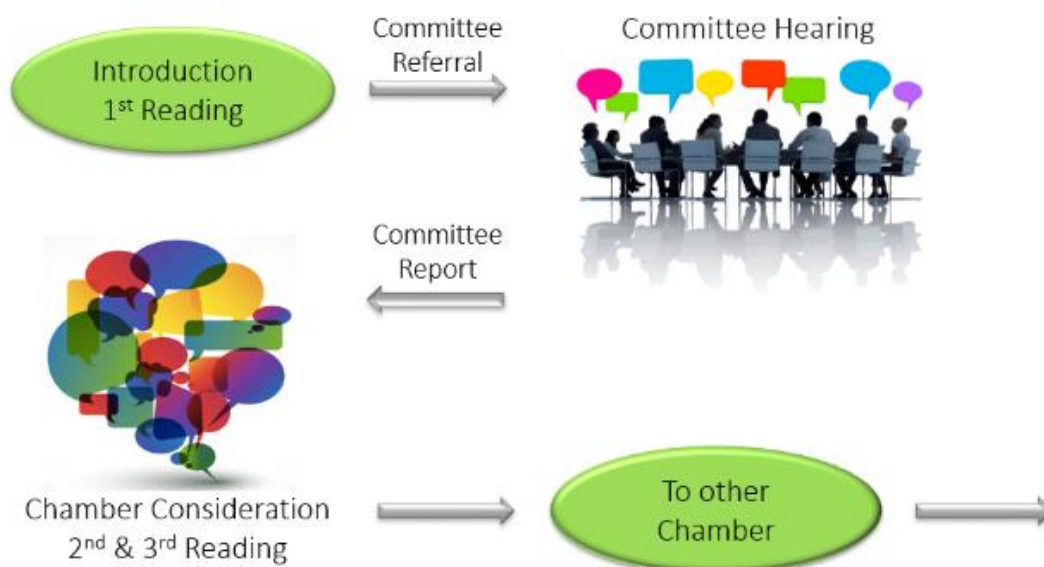
Committee Referral and Consideration

When a bill is introduced, the Chair of the Senate Committee on Rules and Operations of the Senate or the Speaker of the House refers (assigns) the bill to a committee for consideration. The committee chair has broad discretion in deciding whether to bring a bill before the committee for discussion. Changes to the bill may be made by the committee in the form of committee amendments or a committee substitute (a committee substitute is a new version of the bill that is substituted for the version initially referred to the committee). Staff members of the Legislative Analysis Division serve as committee counsel and prepare amendments and committee substitutes. If the committee approves the bill, the committee chair reports the committee’s approval during the daily legislative session. The bill is then placed on the calendar – the daily schedule of chamber business – for consideration by the full membership of the chamber.

Chamber Consideration on Second and Third Readings

When a bill is considered by the full membership of the chamber, the presiding officer will first instruct the Reading Clerk to read the title of the bill, giving the bill its constitutionally required *second reading*. The presiding officer will then recognize the sponsor of the bill or the chair of the committee which approved the bill to explain the bill. After the bill has been explained, any member who wishes to speak for or against the bill, ask questions of the bill sponsor or another member, or offer an amendment may do so if recognized by the presiding officer. Sometimes there is lengthy debate; sometimes there is virtually no debate at all. At the conclusion of discussion and debate on the bill, a vote is taken. If the vote is favorable, the bill has passed its constitutionally required second reading. The Reading Clerk then reads the bill title for a third time, giving the bill its constitutionally required *third reading*. Discussion and debate sometimes occur on the bill’s third reading. If the vote on third reading is favorable, the bill is sent to the other chamber for consideration.

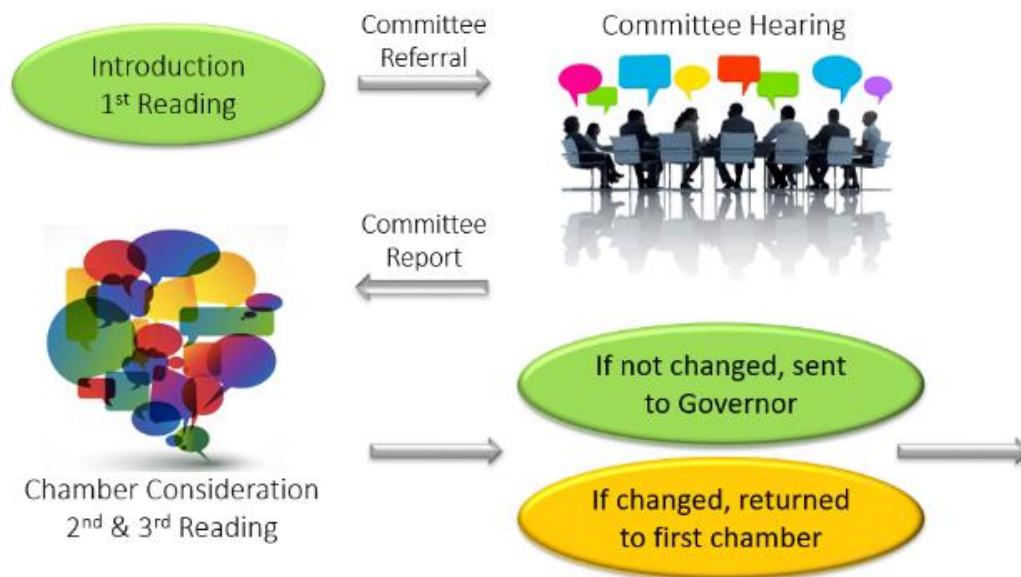
Bill Action in First Chamber



Consideration by the Second Chamber

After a bill has passed its third reading in the first chamber, it is sent to the second chamber, where it goes through the same process – it is introduced in the chamber and given its first reading, referred to committee, and if approved, is debated and voted on by the full chamber during the second and third readings. As in the first chamber, the bill may be amended or substituted in committee or modified by floor amendment during second and third reading debate.

Bill Action in Second Chamber



Concurrence and Conference

It often happens that the second chamber will make changes to a bill passed by the first chamber. In such cases the bill must be returned to the first chamber with a request to concur (agree) in the changes. If the first chamber concurs, the bill moves through a final legislative administrative process and, if constitutional required, is sent to the Governor for consideration.

If the first chamber does not concur (agree) with the changes to the bill, the two presiding officers may appoint members from their respective chambers to a conference committee which negotiates the differences in the two versions of the bill. If the conference committee can agree upon a resolution of the differences, the conference committee reports the recommended final version of the bill to each chamber for consideration and vote. If either chamber fails to approve the conference committee report, the bill is defeated. If both chambers approve the conference committee report, the bill moves through a final legislative administrative process and, if constitutionally required, is sent to the Governor for consideration.

Bill Action in Concurrence or Conference



Enrollment and Ratification

After a bill passes both chambers, it is enrolled, meaning the final version of the bill is prepared incorporating all approved changes with signature lines for both presiding officers, and if constitutionally required, the Governor. When the enrolled copy of the bill is signed by both presiding officers, the bill is ratified. If the bill is a local act, it becomes law at that point. If the bill is a public act subject to gubernatorial consideration under the State Constitution, it is sent to the Governor.

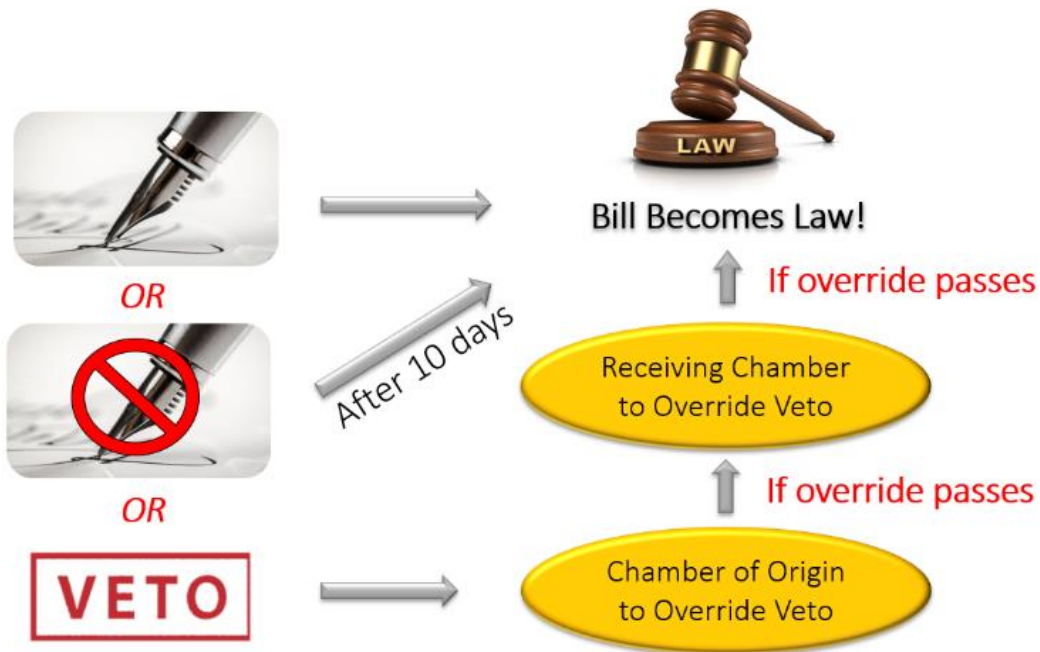
Gubernatorial Consideration and Veto

In November 1996, the citizens of North Carolina approved an amendment to the State Constitution authorizing the gubernatorial veto (Article II, Section 22). All public bills *other than* those making appointments to boards and commissions, proposing constitutional amendments, or revising legislative and congressional districts are presented to the Governor on the day following ratification for the Governor's approval or veto. Local bills and resolutions are not subject to consideration by the Governor and automatically become law upon ratification.

If the Governor signs the bill or takes no action on the bill within ten days, the bill becomes law (in other words, the Governor does not have “pocket veto” authority). If the bill is sent to the Governor after the General Assembly adjourns, the Governor has 30 days to act on a bill. The Governor is required to reconvene the General Assembly if a bill is vetoed after adjournment unless a majority of the members of both chambers sign a written request to the Governor stating that it is not necessary to reconvene.

If the Governor vetoes a bill, the bill is returned to the first chamber to consider a vote to override the veto. If three-fifths of the members present and voting vote in favor of override, the bill is sent to the second chamber. If three-fifths of the members present and voting in the second chamber vote in favor of override, the bill becomes law. If either chamber fails to override the veto, the Governor’s veto stands, and the bill does not become law.

Bill Actions by the Governor



V. Local Acts

Process for Local Bills

Local bills are those affecting fewer than 15 counties. The General Assembly considers local bills under the same constitutional requirements, process, and rules as public bills. A member (or members) of the legislative delegation representing the unit(s) of local government requesting the local bill will serve as the bill sponsor(s). During the Short Session, the House and Senate Rules typically require a statement from the local government’s entire legislative delegation that the subject matter of the local bill is non-controversial.

Because local acts are not public laws, they often are not codified in the General Statutes. Nonetheless, they are acts of the General Assembly and thus are laws which are as legally valid and enforceable as public laws. Local acts are assigned Session Law chapter numbers in the same manner as public acts and, if not codified, may be found by searching the Session Laws.

Constitutional Limits on Local Acts

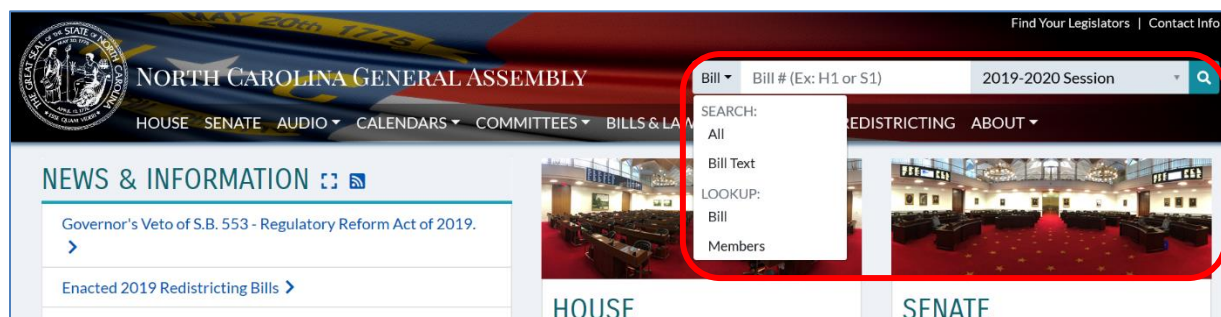
Article II, Section 24 of the North Carolina Constitution limits what subject matters can be addressed by local act. Any local act enacted in violation of this constitutional provision is void. The subject matters that are constitutionally prohibited from consideration in a local bill are those:

- (1) Relating to health, sanitation, and the abatement of nuisances;
- (2) Changing the names of cities, towns, and townships;
- (3) Laying out, opening, altering, maintaining, or discontinuing highways, streets, or alleys;
- (4) Relating to ferries or bridges;
- (5) Relating to non-navigable streams;
- (6) Relating to cemeteries;
- (7) Relating to the pay of jurors;
- (8) Establishing new townships, changing township lines, or establishing or changing the lines of school districts;
- (9) Remitting fines, penalties, and forfeitures, or refunding moneys legally paid to the public treasury;
- (10) Regulating labor, trade, mining, or manufacturing;
- (11) Extending the time for the levy or collection of taxes, or relieving any tax collector from performing his official duties or his sureties from liability;
- (12) Giving legal effect to informal wills and deeds;
- (13) Granting a divorce or securing alimony in any individual case; and
- (14) Altering the name of any person, legitimating any person not born in lawful wedlock, or restoring the rights of citizenship to any person convicted of a felony.

VI. Researching Bills

General Assembly Website

The General Assembly website provides several options for finding bills and enacted legislation. To search for bills, go to the General Assembly website (www.ncleg.gov) and click on the appropriate search function in the drop-down menu in the upper right corner of the home page as shown in the screen shot below:



- **“Bill”**: Use this option when you know the bill number (ex: “H42” to find House Bill 42).
- **“Bill Text”**: Use this option when you do not know the bill number but know a word you wish to search for in the bill text (ex: “emergency” to find all bills with the word “emergency” in the bill text).
- **“Member”**: Use this option to find information about a legislator, including all bills sponsored by that member.
- **“All”**: Use this option to search for a word or phrase on the entire General Assembly website.

To search for a bill in a previous legislative session, click on the drop-down box next to the current session date (ex: 2019-2020 Session) and select the previous session you wish to search. Session Laws are available under the “Bills and Laws” tab in the menu bar at the top of the web page.

UNC School of Government Legislative Reporting Service (LRS)

Since 1935, the UNC School of Government has produced the *Daily Bulletin* and other publications to inform government officials and citizens about the status and content of North Carolina legislation. Each day the General Assembly is in session, LRS attorneys produce concise summaries (called “digests”) of all official legislative action on bills ranging from first introduction to amendments and committee substitutes to conference reports to ratification. These digests are compiled daily in the *Daily Bulletin* and are available individually for each bill. The LRS also indexes all legislation by key words and statutory citations to enable ease of searching. LRS resources, including the *Daily Bulletin*, bill digests, and other online resources, are available for free at <https://lrs.sog.unc.edu/>.

