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The Legislative Institution

The 2001 General Assembly convened on January 24, 2001, and adjourned on December 6, 2001, almost eleven months later. This chapter provides a brief overview of the 2001 legislative session, describes changes in the organization and rules of the Senate and House, and discusses legislation that affects the General Assembly as an institution.

Overview of the 2001 Legislative Session

The 2001 session was the longest in history, both in terms of calendar days and legislative days. The House met for 179 days and the Senate for 173 days, and the session adjourned after 317 calendar days. The closest competitors are the 1971 and 1989 sessions. In 1971 the General Assembly met for 160 legislative days and 190 calendar days; in 1989 each chamber met for 128 legislative days and the session ran for 213 calendar days. During this year's record-breaking session, 1,478 bills were introduced in the House and 1,109 in the Senate, for a total of 2,587 bills introduced. Of this number, however, 521—or approximately 20 percent—were blank bills, bills with no substantive provisions. Some of these blank bills were subsequently given substance; most, however, were referred to the Rules Committees and were never reported out of those committees. Of this total of 2,587 bills, 650—25 percent—were local bills, bills affecting only one or a few cities or counties. For a comparison of the 2001 session with sessions of the past ten years, see Table 1-1.

The length of a legislative session is usually reflective of the time it takes to complete work on the state budget. (The budget is discussed in Chapter 2.) The 2001 session was exceptionally long because of the time and effort required for the House and Senate to agree on the revenue portion of the budget. The Senate completed its version of the budget on May 29, the House its version on June 27, 2001. Between the latter date and adoption of the conference report on September 21, 2001, most of the work was focused on whether there would be any tax increases and what they would be. Governor Easley helped bring the budget process to a conclusion by, in

September, informing the General Assembly that he would not sign another continuing budget resolution to extend the operations of state government beyond September 28 and that he would veto any budget that did not appear to generate sufficient revenue to be in balance during the second year of the 2001–2003 biennium. The 2001 session was also exceptionally long because of the time required to complete action on the House and Congressional redistricting plans. The conference report on the budget was adopted September 21, the Senate passed its redistricting bill on September 19, but the House did not pass its redistricting bill until November 1. The Congressional redistricting bill was enacted November 28, but then, after further consideration, a different version was enacted December 5.

Table 1-1. Statistical Comparisons among Recent Odd-Year Sessions

	1991	1993	1995	1997	1999	2001
Date convened	Jan. 30	Jan. 27	Jan. 25	Jan. 29	Jan. 27	Jan. 24
Date adjourned	July 16	July 24	July 29	Aug. 28	July 21	Dec. 6
Senate legislative days	99	109	109	123	101	173
House legislative days	106	110	108	123	103	179
Senate bills introduced	966	1,299	1,103	1,089	1,175	1,109
House bills introduced	1,314	1,499	1,070	1,245	1,489	1,478
Total bills introduced	2,280	2,798	2,173	2,334	2,664	2,587
Session Laws enacted	761	563	546	528	462	519
Vetoes				0	0	0
Joint resolutions ratified	30	31	15	33	22	36
Simple resolutions adopted	7	7	7	11	24	10
Total measures passed	798	601	568	572	508	565
% measures passed	35.0%	21.5%	26.1%	24.5%	19.0%	21.8%

Major Legislation Enacted by the 2001 General Assembly

The 2001 General Assembly enacted a number of significant pieces of legislation, some of which are listed below.

- **Capital punishment changes.** The state’s capital punishment laws were the focus of considerable legislative attention. S.L. 2001-346 (S 173) provides that a person convicted of first degree murder who is found to be mentally retarded shall not be sentenced to death, and S.L. 2001-392 (S 109) requests the North Carolina Supreme Court to adopt rules establishing minimum standards for defense attorneys, prosecutors, and judges handling capital cases. Both of these statutes are discussed in Chapter 6, “Criminal Law and Procedure.”
- **Child bicycle safety.** S.L. 2001-268 (H 63) requires children under sixteen to wear an approved helmet when riding a bicycle and special bicycle seats for small children. This act is discussed in Chapter 19, “Motor Vehicles.”
- **District court judges—nonpartisan elections.** S.L. 2001-403 (S 119) provides for the nonpartisan election of district court judges. This law is discussed in Chapter 5, “Courts and Civil Procedure.”
- **Elections modernization.** Several new laws modernize and rationalize numerous election procedures. These changes were largely a result of the problems in Florida during the 2000 presidential election. S.L. 2001-310 (H 34) prohibits the use of butterfly and punch-card ballots; S.L. 2001-353 (S 11) enacts several miscellaneous changes in the election laws; S.L. 2001-374 (S 16) does away with most municipal boards of elections; S.L. 2001-289 (H 31) changes the method of selecting presidential electors in certain circumstances; and S.L. 2001-398 (S 14) changes the procedures for counting and canvassing ballots. These acts are discussed in Chapter 8, “Elections.”

- **Managed health care bill of rights.** S.L. 2001-446 (S 199) significantly expands the rights of patients in HMOs and similar managed care plans. This legislation is discussed in Chapter 11, “Health.”
- **Marriage laws.** S.L. 2001-62 (H 142) extensively revises the state’s marriage laws, dealing with such matters as who may officiate at the marriage ceremony, procedures for the marriage of persons under eighteen, and the correction of errors in a marriage license. This act is discussed in Chapter 3, “Children and Families.”
- **Mental health system reform.** S.L. 2001-437 (H 381) makes extensive changes in the way the state organizes its mental health services. For more information on this significant legislation, see Chapter 18, “Mental Health and Related Laws.”
- **Mortgage brokers and bankers.** S.L. 2001-393 (S 904) imposes extensive regulations on mortgage brokers and bankers, requiring licenses and giving the Commissioner of Banks supervisory authority over these businesses. This act is discussed in Chapter 4, “Community Development and Housing.”
- **Redistricting.** One of the General Assembly’s major tasks this session was the redistricting of Congressional, Senate, and House seats to reflect population shifts shown by the 2000 census. S.L. 2001-479 (H 32) accomplished Congressional redistricting; S.L. 2001-458 (S 798), Senate redistricting; and S.L. 2001-459 (H 1025), House redistricting. All are discussed in Chapter 8, “Elections.”
- **Sales tax authority.** Effective July 1, 2003, S.L. 2001-424 (S 1005), the Appropriations Act, authorizes counties to levy an additional 0.5 percent sales tax. This authorization is discussed in Chapter 16, “Local Government and Local Finance.”
- **Tax increases.** To aid in funding the budget, the General Assembly enacted a temporary increase of \$.005 in the sales tax, to expire June 30, 2003; created an additional 0.5 percent bracket in the individual income tax for higher income taxpayers, to expire December 31, 2003; and provided for several permanent increases in other taxes. These changes are discussed in Chapter 25, “State Taxation.”

Party Composition and Demographics

In the 2001 session the Senate included thirty-five Democrats and fifteen Republicans, the same party balance as in the 1999 session. Five of the senators were women and seven were African-Americans.

The House of Representatives had sixty-two Democrats and fifty-eight Republicans, four more Republicans than in the 1999 session. Twenty-seven women served in the House, eighteen African-Americans, one Native American, and one representative of Hispanic ancestry.

Organization and Rules

Senate Leadership

Senator Marc K. Basnight, of Manteo, was elected to his fifth term as president pro tempore. Senator Tony Rand, of Fayetteville, was elected majority leader. Senator Rand also served as Chairman of the Rules Committee. Senators Aaron W. Plyler, of Monroe, Howard N. Lee, of Chapel Hill, and Fountain Odom, of Charlotte, served as co-chairmen of the Appropriations Committee. Senators John H. Kerr, III, of Goldsboro, and David W. Hoyle, of Gastonia, served as co-chairmen of the Finance Committee. Janet B. Pruitt was reelected principal clerk. Senator Patrick J. Ballantine, Jr., of Wilmington, served as minority leader.

House Leadership

Representative James B. Black, of Matthews, was elected to his second term as speaker. Representative Philip A. Baddour, Jr., of Goldsboro, was elected majority leader. Representative William T. Culpepper, III, of Edenton, served as chairman of the Rules Committee. Representatives Ruth M. Easterling, of Charlotte, Warren C. Oldham, of Winston-Salem, David Redwine, of Shallotte, and Gregory J. Thompson, of Spruce Pine, served as co-chairmen of the Appropriations Committee. Representatives Gordon P. Allen, of Roxboro, Charles F. Buchanan, of Green Mountain, Paul Luebke, of Durham, and William L. Wainwright, of Havelock, served as co-chairmen of the Finance Committee. Reflecting the narrow margin of votes in the House, Representative Thompson, on the Appropriations Committee, and Representative Buchanan, on the Finance Committee, are Republicans. Denise G. Weeks was reelected principal clerk.

Table 1-2. Officers of the 2001 General Assembly

Senate	House
Beverly E. Perdue, President	
Marc K. Basnight, President Pro Tempore	James B. Black, Speaker
Frank W. Ballance, Jr., Deputy President Pro Tempore	Joe Hackney, Speaker Pro Tempore
Tony Rand, Majority Leader	Philip A. Baddour, Jr., Majority Leader
Patrick J. Ballantine, Jr., Minority Leader	N. Leo Daughtry, Minority Leader
Luther Henry Jordan, Jr., Majority Whip	Beverly Earle, Andrew T. Dedmon, Majority Whips
James Forrester, Minority Whip	W. Franklin Mitchell, Minority Whip
Janet B. Pruitt, Principal Clerk	Denise G. Weeks, Principal Clerk
LeRoy Clark, Jr., Reading Clerk	John Young, Reading Clerk
Cecil R. Goins, Sergeant-at-Arms	Robert R. Samuels, Sergeant-at-Arms

Rules

Two changes in the rules in 2001 are of more than technical interest. The Senate modified its Rule 17 on general decorum to prohibit its members from operating wireless telephones, pagers, or laptop computers on the floor during session. This change encountered opposition from some senators who think it would be beneficial to use a laptop computer on the floor. The House modified its Rule 26 to provide that the speaker pro tempore, majority leader, majority whips, and one member designated by the Speaker at the time of the appointments of committee chairmen are ex officio members of every standing committee except the redistricting committees.

General Assembly Staff

The extraordinary length of the 2001 session posed an interesting challenge to the General Assembly in dealing with some of its temporary staff members. Many of the temporary staff members—who work only during the session as legislative assistants to members, in the offices of the principal clerks, and in other positions—are persons who have retired from state service. Such retirees have a limited salary they can be paid annually by a state agency, generally half what they were making at the time of retirement or \$20,000, whichever is greater, plus a cost-of-living adjustment. If they are paid in excess of these limits, they lose their retirement benefits. Because of the length of the session, a number of these employees gave notice that they would have to stop working before adjournment. The General Assembly dealt with this issue in Section 32.21A(a) of

S.L. 2001-424 (S 1005), the Appropriations Act, by providing that the provisions of G.S. 135-3(8)c, which contains the salary limitation, do not apply to temporary employees of the General Assembly.

Legislative Lobbyists

Most state agencies employ at least one person full time as a legislative liaison. During a legislative session, these officials follow legislation and lobby on behalf of their departments. S.L. 2001-424, in Section 6.10, places limitations on these state agency activities. New G.S. 120-47.12(a) provides that no “principal State department” may use state funds to contract with non-state employees to act as lobbyists. It is unclear exactly what state agencies fit within the category of “principal State department[s],” but all state agencies may not be covered. For example, are the universities and community college system excluded because they have their own governing boards and do not answer directly to the Governor or members of the Council of State? New G.S. 120-47.122(b) provides that no more than two officers or employees of each “principal State department” and constituent institution of the University of North Carolina may be registered to lobby the General Assembly or designated as legislative liaisons. It is clear that the universities are included in this limitation but unclear whether the community college system is included as well.

Reports by the Attorney General

Over the past several years, the state’s financial position has been seriously impaired by court decisions finding two North Carolina statutes unconstitutional. (One of these statutes levied a tax on intangible personal property and another levied an income tax on certain beneficiaries of the state’s retirement system.) To obtain ample advance warning of such lawsuits, S.L. 2001-424, in Section 23.11, imposes certain reporting duties on the Attorney General. He is to make a report each April 1 and October 1 to the chairs of the Joint Legislative Commission on Governmental Operations, the chairs of the Appropriations Committees of the Senate and House, the chairs of the Finance Committees of the Senate and House, and the General Assembly’s Fiscal Research Division of any lawsuit challenging a law’s constitutionality and on any case in which more than \$1 million in damages is sought. The Attorney General is also required to report to the same entities and officers within thirty days any final judgment that orders the state to pay \$1 million or more.

Legislative Oversight Committees

Public Assistance Oversight

Since 1997 various agencies have been required to submit reports concerning the Work First Program to the Joint Legislative Public Assistance Commission. S.L. 2001-424, in Section 21.13, abolishes this commission and requires that these reports be made to the Senate Appropriations Committee on Health and Human Services and the House Appropriations Subcommittee on Health and Human Services.

Department of Juvenile Justice and Delinquency Prevention Oversight

S.L. 2001-138 (S 67) amends G.S. 120-70.94 to rename the Joint Legislative Corrections and Crime Control Oversight Committee the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and authorizes this committee to exercise oversight over

the Department of Juvenile Justice and Delinquency Prevention in addition to the other departments listed therein.

Joint Legislative Growth Strategies Oversight Committee

The Studies Act, S.L. 2001-491 (S 166), creates a new Joint Legislative Growth Strategies Oversight Committee (new G.S. 120-70.120 through G.S. 120-70.122). The committee consists of twelve members, six senators and six representatives, and is to address various growth issues. The committee's work is discussed in detail in Chapter 15, "Land Use Regulation, Community Planning, Code Enforcement, and Transportation."

Proposal for Session Limits

The record-setting length of the 2001 session has renewed discussion in the news media and among legislators about whether North Carolina should impose limits on the length of its legislative sessions. Two bills introduced during the 2001 session, S 104 and S 94, propose such limits. Both bills passed the Senate and, at adjournment, remained in the House Rules Committee. Under the terms of the adjournment resolution, they remain eligible for consideration in 2002.

Senate Bill 104 proposes constitutional amendments to be voted on in 2002. These amendments would change the terms of senators and representatives from two to four years and place limits on the length of legislative sessions. Regular sessions in odd-numbered years, beginning in 2003, would be limited to 135 calendar days, with a possible extension of 10 days by joint resolution. Regular sessions in even-numbered years would be limited to 60 calendar days, with a possible 10-day extension as well. The proposed amendment regarding session limits in odd-numbered years further states that "[i]f the General Assembly upon convening of the regular session meets for not more than two consecutive calendar days and then adjourns for not less than 30 days, that period of adjournment shall be excluded from the 135 days."

Senate Bill 94 implements the constitutional amendments proposed by S 104. It would amend G.S. 120-11.1 by changing the convening time of the General Assembly in odd-numbered years to the first Wednesday in December. The amendment proposed in S 104 requires that the December meeting days be counted as part of the 135-day limit.

Reading the amendment to G.S. 120-11.1 alongside the constitutional amendments raises questions about what changes, other than in session length, might occur in the legislative schedule. It seems likely that the General Assembly would convene in December for two days to elect officers and perform other organizational tasks. The Speaker of the House and President Pro Tempore of the Senate would appoint the committees and committee chairs, and members could begin introducing bills. After meeting for two days, both houses would adjourn until February or March—more probably March, because serious work on the budget cannot begin until after the state's first quarter revenue report has been completed and analyzed. During the period from December until February or March, bills would be introduced, referred to committees, and analyzed by General Assembly staff members in preparation for committee hearings. Some committees, probably the Appropriations and Finance committees, would meet during the adjourned period.

When the General Assembly convenes, it would have 135 calendar—not legislative—days to finish its work. This would likely mean more working time for legislators on Mondays, especially for committee meetings, and on Fridays. Friday sessions, now a rarity, would probably become commonplace. In summary, the compressed legislative schedule caused by session limits would remove most of the downtime from the sessions as they currently exist and intensify the work occurring during the available days.

The 2002 Session

Pursuant to the adjournment resolution, Res. 2001-36 (S 1109), the General Assembly will convene at noon on Monday, May 28, 2002. Only the following matters may be considered during that session:

- bills directly affecting the budget for fiscal year 2002–2003, provided they are introduced by June 13, 2002;
- bills introduced in 2001 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 or commissions directed to report to the General Assembly, the House Ethics Committee, or the Joint Legislative Ethics Committee, provided such bills are introduced by June 5, 2002;
- noncontroversial local bills, provided these are introduced by June 12, 2002;
- 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 these are introduced by June 12, 2002;
- bills proposing constitutional amendments;
- resolutions regarding state government reorganization, memorial resolutions, resolutions disapproving administrative rules, and adjournment resolutions.

Blank bills may not be introduced in the House of Representatives during the 2002 session.

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