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## Coates' Canons Blog: Extra, Special, Veto, and Reconvened Legislative Sessions: What's the Difference?

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When teaching or writing about the schedule of the North Carolina General Assembly (NCGA), we used to explain that a typical biennium session included “long” and “short” sessions, with a few extra or special sessions sprinkled in on occasion. Over the last several years, the legislature has changed things up a bit. As a result, it is much more difficult to predict how the biennium will unfold. Christine Wunsche, the director of the School of Government's Legislative Reporting Service, explored this topic a bit and we put together this overview. In this post, we describe the different types of legislative sessions: what are the sessions called, who can call legislators into session, and what topics can be considered during those sessions? We also provide a brief review of the actions taken during the reconvened sessions in 2017 and offer a short preview of the upcoming session in January.

### What are the different types of legislative sessions?

The NCGA meets on a two-year, or biennium cycle, consisting of a “long session” convening in January of each odd-numbered year and a “short session” convening in the spring of each even-numbered year. We refer to these as the “regular” sessions. In between the long and short sessions, however, the legislature can return to Raleigh for a number of different types of sessions. The NCGA and the Governor have the authority to convene “extra” (or “special”) sessions and the Governor has the authority to call “reconvened veto” sessions. The legislature can also decide to take a break in the long session and return what we refer to as “reconvened” sessions. Since adjourning in June, the legislature has held one veto session and several reconvened sessions.

#### ***Extra (or Special) Sessions***

There are two ways legislators may be called into an extra session (sometimes referred to as a special session). First, the Governor may, “on extraordinary occasions, by and with the advice of the Council of State” convene the General Assembly in extra session by issuing a proclamation that states the purpose of the session. (Art. II, Sec. 5, NC Const.). Second, the legislators may call themselves into session. If three-fifths of the members of both the House and the Senate submit a signed written request, the legislative leadership (i.e., President of the Senate and the Speaker of the House) are required to call an extra session. Regardless of how the extra session is convened, it is not considered to be a continuation of the previous regular session – it is a new, separate legislative session.

The proclamation calling for the extra session will outline the subject or subjects to be considered. Examples from previous sessions include economic development, redistricting, and disaster recovery. Some things carry over from the regular session – such as leadership appointments and committee assignments. Some things change – each chamber must adopt new rules that govern the session and the numbering of bills and session laws starts over at one. When searching for bill information on the NCGA or Legislative Reporting Service websites, these extra sessions will have their own entry in the website dropdown menu (for example, 2016 Extra Session 5).

#### ***Reconvened Veto Session***

After the NCGA adjourns a session (regular or extra), the Governor has 30 days to take action on bills that are presented

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for approval during the last ten days of that session. If the Governor vetoes any of those bills after adjournment, the Governor must reconvene the legislators in session for the sole purpose of considering an override of the veto. The reconvened session is required to take place no earlier than thirty days and no later than forty days after adjournment of the session. If a majority of the members of each chamber submit signed a statement indicating that the reconvened session is not necessary, the session will not take place and the veto will stand. If legislators do meet for a veto session, they are limited during that session to considering only whether or not to override the veto. If legislators want to consider other topics, they must convene an extra session.

### ***Organizational Session***

Beginning in 2013, legislators also convene a one-day organization session a couple of weeks before the start of the long session. In 2017 the organizational session took place on January 11. The organizational session allows the House and Senate to elect leadership, adopt rules, and get committees in place for the biennium.

### ***Reconvening of the Regular Session***

Since the NCGA adjourned the regular long session in June 2017, it has reconvened several times. These have not been extra sessions or reconvened veto sessions. Rather, we are calling them “reconvened” sessions because they are, in fact, continuations of the long session that adjourned in June. When the NCGA adjourned in June, it adopted an adjournment resolution that expressly planned for these reconvened sessions (Res. 2017-12). After each reconvened session, the adjournment resolution was amended to plan for future reconvened sessions. (Res. 2017-14, Res. 2017-15, Res. 2017-17)) Because they are technically part of the long session, these reconvened sessions maintain the structure, rules, and bill and law numbering of the previous session.

The record number of reconvened sessions took place in 2011-12, when legislators held eight reconvened sessions between the end of the 2011 long session and the start of the 2012 short session. In 2017, legislators convened for three reconvened sessions following the June 30 adjournment, with another session scheduled for January.

## **What was eligible for consideration during the 2017 reconvened sessions?**

The following categories of bills were allowed to be considered at all of the 2017 scheduled reconvened sessions:

- Vetoes bills, solely for the purpose of considering overriding the veto.
- Bills providing for the selection, appointment, or confirmation as required by law.
- Bills providing for action on gubernatorial nominations or appointments.
- Bills concerning redistricting litigation and those related to litigation challenging the legality of legislative enactments.
- Bills returned on or after Wednesday, June 28, 2017, to the house in which the bill originated for concurrence.
- Adoption of conference reports for bills which were in conference on or after Wednesday, June 28, 2017, and conferees had to be appointed by both houses on or after that date.
- Bills for impeachment.
- A joint resolution further adjourning the 2017 Regular Session or amending a joint resolution adjourning the 2017 Regular Session to a date certain.

For the August 3<sup>rd</sup> session only, in addition to the topics above, legislators could also consider:

- Bills subject to Article II, Section 23 (revenue bills), of the N.C. Constitution that have passed second reading in the receiving house or have passed second reading for concurrence in the originating house, but have not been taken up for third reading.
- Simple resolutions addressing organizational matters of each respective house.

Beginning with the August 18 session and continuing throughout the later reconvened sessions, legislators could also consider the following additional topics:

- Bills related to judicial, local, and legislative redistricting.
- Bills related to election law.

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- Bills containing amendments to the State Constitution and any necessary related statutory changes.

During the October 4 session legislators could also consider the following additional topics:

- Bills making technical corrections to S.L. 2017-57 (Appropriations Act of 2017), S.L. 2017-119 (Disaster Recovery Act of 2017), or both.
- Local bills, but only if (1) they passed third reading in the house in which they were introduced, (2) were received in the other house in accordance with crossover deadlines, (3) were not disposed of in the other house by tabling, unfavorable committee report, indefinite postponement, or failure to pass any reading, and (4) do not violate the rules of the receiving house.

## What happened during the 2017 reconvened sessions?

In 2017, the NCGA met in three reconvened sessions and one reconvened veto session. In addition, another reconvened session is scheduled for January 10, 2018. Below is a brief recap of what transpired during those 2017 sessions.

### ***August 3***

This session lasted only one day but several bills were enacted:

- Tax (S.L. 2017-204; S.L. 2017-202): Two tax-related bills became law. The first makes numerous changes to business tax, sales tax, property tax, tax collection and enforcement, and administrative provisions. The second makes changes related to occupancy taxes for four counties and five municipalities.
- Industrial Commission (S.L. 2017-203): This bill creates new authority for the Industrial Commission to investigate complaints related to misclassifying employees as independent contractors. The act also requires the Commission to adopt rules for the use of opioids, related prescriptions, and pain management treatment, and makes changes related to an employer's response to unemployment insurance claims.
- Regulatory Reform (S.L. 2017-211): This legislation covers a wide range of issues including landfills, wastewater systems, stormwater regulations, occupational licensing laws, and occupational health and safety. Governor Cooper vetoed the bill on August 14 and the veto was overridden during the October 4<sup>th</sup> reconvened session.
- Clarifying Changes (S.L. 2017-206): This legislation addresses issues such as school performance indicators, salaries of Property Tax Commissioners, membership of state boards and commissions, and laws governing the activities of attorneys in foreclosure proceedings. The Governor vetoed the bill on August 14 and the veto was overridden during the reconvened session that began August 18.

Other bills enacted during the August 3 session addressed elections in Cleveland County (S.L. 2017-200) and appointments to boards and commissions (S.L. 2017-201).

### ***August 18 Session***

This session began on August 18 and adjourned on August 31. The primary focus was on redrawing House and Senate legislative districts. (S.L. 2017-207 – Senate, S.L. 2017-208 – House). The NCGA also enacted legislation related to environmental law, which includes the repeal of the ban on retailers providing customers in certain coastal areas with plastic bags and funding related to the cleanup of GenX. The Governor vetoed the bill on September 21 and the veto was overridden during the October reconvened session. (S.L. 2017-209). Finally, the NCGA overrode two vetoes during this session: S.L. 2017-205 (related to stand-alone dental insurance and credit insurance) and S.L. 2017-206 (Clarifying Changes, discussed above)

### ***October Sessions***

Two different sessions took place in October. First, the Governor called a reconvened veto session related to the environmental legislation discussed above. The NCGA overrode the veto. (S.L. 2017-209).

Second, the legislature held a reconvened session that ran from October 4 to October 17. During this session, they overrode the veto of the regulatory reform bill that was ratified in the August 4 session (S.L. 2017-211) and also enacted

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several other significant bills:

- Electoral Freedom (S.L. 2017-214): This act makes several changes related to elections on issues such as formation of new political parties, recognition of parties on the ballot, and placement of unaffiliated candidates on the ballot. It also eliminates primaries several judicial offices. The Governor vetoed the bill on October 9 and the NCGA overrode the veto shortly thereafter.
- Technical Corrections (S.L. 2017-212): This legislation includes provisions related to education, health and human services, agriculture, natural resources, economic resources, justice and public safety, transportation, as well as various state agencies. It also addressed some issues that garnered some media attention, such as principal pay, the role of the Attorney General in criminal appeals, and incentives for the film and entertainment industry.
- Public Notices/Guilford (S.L. 2017-210): This act relates to Guilford County's electronic publication of required notices. This act includes provisions similar to some included in H 205, which was vetoed by the Governor in July.

Other bills enacted during the October session honored a former legislator (H. Res. 928) and addressed appointments to boards and commissions (S.L. 2017-213).

## What might happen during the January 2018 Session?

When the NCGA adjourned in October, it amended the previous adjournment resolution to set out the topics that may be considered during the reconvened session that begins on January 10. All of the topics listed above as "eligible for consideration" are still on the table with the exception of impeachment.

Most of the public discussion and media coverage leading up to the January session, however, has focused on judicial redistricting. This became a top issue when the House gave approval to an amended version of a bill that redraws the districts for the State's district courts, superior courts, and prosecutorial districts, while also amending the number of judges and district attorneys in those districts. (H 717). The Senate did not take up the bill in October but there were three meetings of the Senate Select Committee on Judicial Reform and Redistricting in November and December so it appears to be an active topic of consideration. Recent news reports suggest that the topic may not quite be ready for January.

It is possible the legislature will amend the adjournment resolution again and schedule one or more reconvened sessions before the beginning of the short session, which is currently set for May 16. We will just have to wait and see how it goes.

## How can I keep up with developments?

Subscribers to the School of Government's Legislative Reporting Service are able to monitor legislative developments in several different ways. For example, they can track individual bills, monitor specific topics or areas of law for recent activity, and check the Daily Bulletin for summaries of actions on bills each day the legislature is in session. Our subscription model allows for biennium, long session (or odd year), and short session (or even year) subscriptions. If you are a biennium or short session subscriber, you will have access to information about the reconvened session in January 2018. If you are only a long session subscriber, you will not. But don't fret – it's easy to subscribe for the biennium and subscriptions are free for state and local government officials!

You can also find a wealth of information on the NCGA website and through the legislative library. Speaking of the library, we wanted to recognize the recent retirement of Cathy Martin, who served as the legislative librarian (and masterful researcher) for 27 years. We at the SOG send our best wishes to Cathy and also our thanks to the many other professionals who serve and support our state's legislative branch!

## Links

- [ncleg.net/Sessions/2017/Bills/Senate/PDF/S686v2.pdf](http://ncleg.net/Sessions/2017/Bills/Senate/PDF/S686v2.pdf)
- [ncleg.net/Sessions/2017/Bills/House/PDF/H926v2.pdf](http://ncleg.net/Sessions/2017/Bills/House/PDF/H926v2.pdf)



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