
Coates' Canons Blog: The Business of Legislating: How Much Has It Changed This Year?

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Article: <https://canons.sog.unc.edu/the-business-of-legislating-how-much-has-it-changed-this-year/>

This entry was posted on June 29, 2011 and is filed under General Local Government (Miscellaneous), Legislation

When the General Assembly convened on January 26 and the Republican party held a majority in both chambers for the first time in over a century, everyone expected things to be different: new leadership, revamped procedures, and shifting legislative priorities.

Now that we are five months into the session and the legislature has recessed for a few weeks until mid- or late July, we are gearing up for our first two local government legislative update webinars (July 15 and July 18). During the webinars, School of Government (SOG) faculty members will review some of highlights from the session in a variety of substantive fields including annexation, elections, and the environment. We are also posting SOG legislative summaries online as they become available.

This pause in the session also provides a nice opportunity to reflect a bit on how the change in party leadership has affected the institution and the legislative process. The shift clearly resulted in changes that affected the number and types of committees, the number of bills introduced, the budget development process, and the legislative schedule. It is also evident that the gubernatorial veto authority is playing a heightened role in the legislative process this year.

Standing Committees

Standing committees play an important role in working through the details of different legislative proposals and making changes before a bill comes to the floor for a vote (see the detailed process here in either an narrative or graphic format). This year, the House leadership consolidated several committees, shrinking the overall number from 38 in 2009 to 19 this year. Some of the old freestanding committees morphed into subcommittees. For example, the standing committee on Science and Technology was eliminated but a new Subcommittee on Science and Technology in the Commerce Committee was established. For others, the subject areas were absorbed into larger committees with more general jurisdiction. For example, the Committee on Federal Relations and Indian Affairs was eliminated and the Committee on Government was created. In the Senate, the number and jurisdiction of the committees was comparable to those in place last session.

In both chambers, the committee work began much more quickly than it has in the past. Committee chairs and members were appointed almost immediately and the first committee met on January 27. In past years, it has taken a few weeks for the committees to be appointed and for the work to begin. In 2009, for example, the first committee meeting on the legislative calendar was scheduled for February 17. Once the committees started meeting this year, they kept up a steady and sustained pace.

Rules

Most people tend not to get excited about the "Rules" bills adopted by each chamber at the beginning of the session (see House Rules [here](#) and Senate Rules [here](#)). They are resolutions that set out the details of how each chamber will conduct its business, such as the process for voting, the order of motions, and the conduct of debate.

In the past the Rules have been fairly static, but this year quite a few changes were made. One of the most significant, in my opinion, was the new rule in the House limiting the number of public bills a member could introduce to ten (Rule 31.1).

It appears that the addition of this new restriction on bill introductions had a significant impact on the workflow of the General Assembly and the legislative staff. So far this year, a total of 1721 bills were introduced. That sounds like a lot but when one compares it to the first session totals in recent years, it shows a big drop:

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- 2009 – 2767 bills introduced
 - 2007 — 3645 bills introduced
 - 2005 — 2984 bills introduced

Looking at the statistics compiled by the Legislative Library, this year we saw the lowest number of first session bill introductions (data from 1965-2011). Given that the members plan to return to Raleigh in July, it is conceivable that they will not hold onto that record (1803 bills were introduced in 1965) but it still certainly is noteworthy.

Another issue worth highlighting relates to the number of bills that are actually ratified. Although the number of bills introduced has generally been increasing since 1965, the total number of bills ratified has been steadily decreasing.

- 1965: 1803 bills introduced, 1302 ratified (72.22%)
- 1985: 2278 bills introduced, 827 ratified (36.30%)
- 2005: 2984 bills introduced, 521 ratified (17.45%)

This year, the percentage of introduced bills ratified is up slightly to 23.07% (397/1721). It would be interesting to explore this data in more detail to try to identify some of the reasons for this trend.

Budget

The budget process played out in a slightly different way. Typically, after the Governor's office gets things rolling by transmitting a proposed budget to the legislature, one chamber introduces the first draft of the appropriations bill, the second chamber reviews it and makes changes and the differences are hammered out in a conference committee.

This year joint appropriations subcommittees began meeting almost immediately and the two chambers appeared to be resolving differences and negotiating agreements from the outset. After the Governor submitted her proposal, the House was the first chamber to take action and it approved the first version of what became the final appropriations bill.

When the Senate received the House-approved version, the members identified some areas of disagreement but instead of passing a Senate version of the budget bill with significant differences and sending it back to the House for a vote and then the standard conference committee process, the Senate took another approach. Members from both chambers negotiated some modifications *before* the Senate approved its version of the bill. Therefore, the Senate was able to pass a revised version of the bill that it knew a majority of the members of both the Senate and the House would vote to approve. Thus, the budget process this year completely bypassed the traditional conference committee. According to Gerry Cohen, Director of the Bill Drafting Division at the General Assembly, the legislature used this same approach in the 1980's but it has not been used since.

Vetoes

The veto and the veto override are becoming an important part of the legislative process. This year alone Governor Perdue has vetoed eleven bills and more may be on the way. From the time the veto authority was extended to the Governor in 1996 until last year, it had been exercised *a total* of ten times.

This year's budget was the first in North Carolina's history to be vetoed. The General Assembly subsequently voted to override her veto; thus, the version the General Assembly ratified became law on June 15 (S.L. 2011-145). Other veto overrides may also be on the horizon as the legislature return to Raleigh in July.

Schedule

Since the 1970's, the legislature has convened for the first year of the biennium (i.e., the "long" session in January or February and usually adjourned in the summer to return the next spring, typically May, for a limited "short" session. Long sessions have averaged about 182 calendar days in length, ranging from a low of 135 calendar days (1973) to a high of 317 calendar days (2001). Sometimes there are special sessions for specific topics between the long and short sessions.

This year, the legislative leaders indicated early on that they wanted to pass the budget quickly and leave Raleigh in June. When the work on the budget was finally complete and it was sent to the Governor, the General Assembly accelerated the schedule dramatically. It was a fast-paced, two-week push that involved marathon committee meetings, late night sessions and consideration of hundreds of bills in a matter of weeks. The schedule felt even more compressed than usual because

adjournment followed more quickly after the crossover date, which was June 9 this year rather than the customary mid- to late May.

When the legislature adjourned on June 18, after 144 calendar days in session, they agreed to return for “Part Two” of the long session. The adjournment resolution stated that the body would reconvene on Wednesday, July 13 and would be able to address quite a few complex and potentially controversial issues, including redistricting, elections and any bills that were vetoed by the Governor. They are also authorized to take up bills appointing people to public offices and adopt conference reports. Based on recent news reports, it appears that the July 13 date may be shifting to July 21.

It is not unusual for the General Assembly to return between the long session and the short session for “Extra Sessions” to address specific substantive issues, such as economic development (2007), hurricane recovery (1999), childrens’ health insurance (1998) and unemployment taxes (1996). Redistricting years tend to be a little busier. In 1981-82, the General Assembly convened a total of seven times and in 1991-92 it convened a total of six times. Typically, these extra sessions are limited in scope and only a handful of bills are introduced and considered. During the extra session in 1994 that was focused on crime, however, over 400 bills were introduced and 30 were ratified. Note that when the legislature returns in July, it will not technically be convening an “Extra Session” but rather a continuation of the long session.

These are just a few of the changes I have noticed in the legislative institution and procedures this session. It will be interesting to see how the rest of this biennium unfolds.

Links

- www.sog.unc.edu/node/1584
- lrs.sog.unc.edu/lrs/legsumms/2011
- ncleg.net/NCGAInfo/Bill-Law/bill-law.html
- ncleg.net/NCGAInfo/Bill-Law/bill-law.pdf
- ncleg.net/Sessions/2011/Bills/House/PDF/H19v3.pdf
- ncleg.net/Sessions/2011/Bills/Senate/PDF/S1v3.pdf
- ncleg.net/library/Documents/LegStats1965-2010.pdf
- ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=h200
- www.wral.com/news/state/nccapitol/story/9663324/
- ncleg.net/EnactedLegislation/SessionLaws/PDF/2011-2012/SL2011-145.pdf
- ncsheriffs.org/Weekly%20Legislative%20Report/2011/NCSA%20Weekly%20Legislative%20Report-11.01.28.pdf
- www.news-record.com/blog/2011/06/17/entry/they_re_tired_and_they_want_to_go_home
- www.ncga.state.nc.us/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=S784
- www.wral.com/news/state/nccapitol/blogpost/9770610/