



North Carolina General Assembly
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MEMORANDUM

FROM: Dianna W. Jessup
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RE: Bills Eligible for Consideration by the General Assembly During the 2004
Regular Session of the 2003 General Assembly (the "Short Session")

The 2003 Regular Session of the 2003 General Assembly adjourned on July 20, 2003. The adjournment resolution (S.L. 2003-31, HJR 1335) provides that both houses will reconvene for the 2004 Session of the 2003 General Assembly (the "Short Session") at 12:00 noon on Monday, May 10, 2004. (Appendix A).

As in the past, only certain measures may be considered during the Short Session – primarily those relating to appropriations, finance, pensions and retirement, and localities; certain legislation from the 2003 Regular Session; and legislation proposed by study commissions. Any measure, however, may be introduced and considered if authorized by a joint resolution passed by a two-thirds vote of each chamber's members present and voting. Blank bills (those having no substantive provisions) cannot be introduced in the House of Representatives during the Short Session.

Only the following matters specifically may be considered during the Short Session:

- (a) **Budget Bills.** Bills directly and primarily affecting the State budget, including the budget of an occupational licensing board, for fiscal year 2004-2005, provided that the bill must be submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Thursday, May 20, 2004, and must be introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Thursday, May 27, 2004.
- (b) **Crossover bills.** Senate bills and resolutions introduced in 2003 that passed third reading in the Senate and were received by the House in 2003; and House bills and resolutions introduced in 2003 that passed third reading in the House and were received in the Senate by May 1, 2003. Further, to be eligible for consideration, any of these bills and resolutions must not:

- (1) violate the rules of the receiving chamber; and
- (2) be disposed of in the other house by tabling, unfavorable committee report, indefinite postponement, or failure to pass any reading.

Attached is a list of bills (Appendix B) that appear to be eligible for consideration during the Short Session under the criteria listed in this section. This list does not include all eligible appropriations and finance bills, but only those bills that passed one house and have been received in the other and are "still alive" under the terms of this section. This list also includes the two bills vetoed by the Governor, returned to the originating house, and referred to committee, as those two bills are still eligible for consideration during the Short Session. The Information Systems Division of the Legislative Services Office generated this list.

- (c) **Study committee bills.** Bills and resolutions implementing the recommendations of:
1. Study commissions, authorities, and statutory commissions authorized or directed to report to the 2004 Session;
 2. The General Statutes Commission, the Courts Commission, or any commission created under Chapter 120 of the General Statutes that is authorized or directed to report to the General Assembly;
 3. The House Ethics Committee;
 4. Select committees; or
 5. The Joint Legislative Ethics Committee or its Advisory Subcommittee.

Senate Bill 802, Medical Providers' Insurance/Civil Justice Reform Act, is a bill of a select committee that is eligible pursuant to this provision. To be eligible, study committee bills must be submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Wednesday, May 12, 2004, and must be filed for introduction in the Senate or introduced in the House of Representatives no later than 4:00 P.M. Wednesday, May 19, 2004.

This memorandum will be updated at a later date to include a list of these studies, including studies that are authorized after the date of this memorandum.

- (d) **Local bills.** Any local bill that has been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. Wednesday, May 19, 2004, is introduced in the House of Representatives or filed for introduction in the Senate by 4:00 P.M. Wednesday, May 26, 2004, and is accompanied by a certificate signed by the principal sponsor stating that no public hearing will be required or asked for by a member on the bill, the bill is noncontroversial, and that the bill is approved for introduction by each member of the House of Representatives and Senate whose district includes the area to which the bill applies.
- (e) **Appointment bills.** Selection, appointment, or confirmation of members of State boards and commissions 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.

- (f) **Bills authorized by a joint resolution that passed by a two-thirds vote.** Any matter authorized by joint resolution passed during the Short Session by a two-thirds majority of the members of the House of Representatives present and voting and by a two-thirds majority of the members of the Senate present and voting. A bill or resolution authorized by an enabling resolution must have a copy of the ratified enabling resolution attached to the jacket before being filed for introduction in the Senate or being filed for introduction in the House of Representatives.
- (g) **Joint resolutions authorizing introduction of a bill.** A joint resolution authorizing the introduction of a bill or resolution. See (f) above.
- (h) **Pension or retirement bills.** Any bill that primarily affects any State or local pension or retirement system, provided that the bill has been submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Wednesday, May 19, 2004, and is introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Wednesday, May 26, 2004.
- (i) **Memorializing resolutions or resolutions pertaining to administrative reorganization.** Joint resolutions, House resolutions, and Senate resolutions pertaining to Section 5(10) of Article III of the Constitution of North Carolina (see Appendix C) or authorized for introduction under Senate Rule 40(b) or House Rule 31(g).
- (j) **Adjournment resolutions.** A joint resolution adjourning the 2003 Regular Session, sine die.
- (k) **Bills disapproving rules.** Bills to disapprove rules under G.S. 150B-21.3. (see Appendix D.)
- (l) **Bills containing constitutional amendments.**

Attachments