

# The North Carolina General Assembly

## Understanding Our Legislative Process



**L**aws passed by the North Carolina General Assembly can have a real impact on how you operate your business, how you hire and compensate your employees, the taxes you pay and the profits you make.

The North Carolina General Assembly is divided into two chambers: the Senate, with 50 members, and the House of Representatives, with 120 members. Each citizen is represented by one state Senator and one Representative. All members of the General Assembly stand for election every two years. The election is held the first Tuesday in November in even-numbered years and the newly-elected legislators begin their two-year terms the following January.

North Carolina's legislature convenes its long session in January and usually stays in session until August in odd-numbered years. Legislators return to Raleigh for a short session in May of the following even-numbered year and typically are in session for about three months. The short session allows legislators to review and adjust the state's two-year budget that was adopted the previous year. During the short session, lawmakers may only consider new legislation that impacts the budget or bills that passed the "house of origin" in the previous year. If a specific issue needs immediate attention, the Governor may call a special legislative session at any time.

State laws may be passed only when the General Assembly is in session, but the process of fact-finding and study continues throughout the year. The House and Senate leadership assign legislators to interim study committees, that research, study, and make recommendations on legislation that may be considered during the next session. The General Assembly employs 400 legislative staff members that research specific topics, draft proposed bills, and provide administrative support.

The leaders of each chamber play a powerful role in the legislative process. The Speaker of the House and the Senate President Pro Tempore are elected by the members of the majority party on the opening day of the long session. After being elected, they wield considerable power.

The Speaker of the House and the Senate President Pro Tem each exercise real power in referring bills to the appropriate House or Senate committee. Each committee has responsibility for studying legislation that falls within certain areas of the law. The committee chair may receive a bill in his committee but, upon the recommendation of the Speaker or President Pro Tem, refuse to schedule the bill for a hearing. As many as 2,000 bills may be introduced during a regular legislative session, but only about one-third reach a floor vote. Because legislation must be reported out of a committee in order for the full chamber to vote on it, committee inaction kills hundreds of bills each year.

### **The Lobbyist's Role in the Legislative Process**

The legislative process begins when someone believes that a new law is needed or that an old law should be changed. The North Carolina Retail Merchants Association's (NCRMA) lobbyists are responsible for making lawmakers aware of how a bill will impact the retail industry. In addition to the role of introducing proactive legislation to help the retail industry, NCRMA's lobbyists play defense by reading each bill that is introduced, writing a summary of the bill and sending that summary to key member companies asking them to assess the potential impact the proposed legislation would have on their stores' operations.

Lobbyists, constituents, advocacy groups and government agencies may make suggestions, but only legislators may request a bill to be drafted, introduce legislation, and vote on a bill. When a NCRMA member makes our staff aware of a problem in North Carolina law, NCRMA lobbyists:

- Look at the current statutes;
- Determine possible legislative solutions;
- Find the appropriate bill sponsor in both Chambers;
- Encourage appropriate legislators to co-sponsor;
- Work with bill drafting attorneys;
- Manage the bill through committee and floor votes;
- Manage the bill through committee and floor votes in the second house; and
- Make sure that the bill is veto-proof when the Governor receives it.

Legislative staff attorneys, working closely with the bill's sponsor, draft appropriate legal language and give the bill a descriptive title. The bill sponsor can direct staff attorneys to allow a lobbyist to work with staff on drafting the bill and a lobbyist can find co-sponsors to the bill prior to its introduction. The bill sponsor then sends the bill to the House or Senate Principal Clerk, who assigns it a bill number. This is called "first reading."

Following this first reading, the bill is assigned to a committee. Standing committees have a regular weekly schedule. Before a bill is heard in committee, NCRMA lobbyists visit individually with each member of the committee to explain the retail perspective on the bill. We explain how it would impact stores in that legislator's district and we ask the legislator how he intends to vote.

If it appears that we do not have strong support in the committee, your lobbyists may engage their grassroots lobbying network. The lobbyists will then e-mail or call key retailers who are specifically impacted by the bill and ask that NCRMA members contact specific legislators and ask them to support our position. The lobby team will develop and provide members with talking points or a standard letter that they may use when communicating with legislators about specific issues.

*NOTE: A bill that receives an "unfavorable report" in committee or is defeated on the House or Senate floor is dead for that session and may not be considered for another two years. Therefore, it is important that your lobbyists have the bill sponsor pull a bill back before it receives a negative vote.*

Sometimes NCRMA will assemble a coalition of other organizations that may be impacted by a particular piece of legislation. Coalitions provide added support, manpower and resources, and show legislators that several different organizations are united in their support of or opposition to a bill.

## **The Committee Process**

When the bill is scheduled for a committee hearing, NCRMA lobbyists present written and oral testimony and respond to questions from committee members. Committees may debate an issue on several occasions to allow the public to comment before taking action on a bill. In the case of a controversial issue, a committee may schedule a public hearing on the bill. Legislators can amend the original language but in Raleigh, unlike in Washington, amendments must be relevant to the original bill.

Bills that pass a committee may be sent to a second committee for discussion, or it may move on to the floor. It usually takes one or two days for a bill to pass out of committee before it moves to the floor, during which time the lobbyists will contact every member of the chamber to explain the bill, talk about the bill's support in committee and ask for each legislator's support.

This is also the time when your lobbyists meet with the bill sponsor or committee chairman who will present the bill on the floor. At this meeting, the lobbyists provide the legislator with anticipated floor questions and appropriate answers. The lobbyist gives the floor manager the anticipated vote count. It is not unusual for the lobbyists to write a floor speech for the bill sponsor or presenter. On this second reading, the sponsor or committee chair presents the bill to the full chamber, at which point, citizens and lobbyists are no longer allowed to comment. Legislators can ask questions or offer amendments and their votes are recorded and made available to the public.

A controversial bill that had a prolonged debate on second reading may experience even longer debate on third reading. Written amendments may be offered both in committee as well as on the floor, which can completely change a bill from the way it was introduced.

A bill that NCRMA supported when it left committee could be amended on second reading so that we now oppose it. In such a case, we would want our bill sponsor to object to third reading to allow the lobbyists to have a chance to lobby the full chamber and ask that the members amend the bill to its original form, re-refer the bill to committee so that it stays there indefinitely, or amend it to an acceptable compromise. A majority must vote in favor of the bill for it to proceed to its "third reading." At third reading, there may be more discussion and additional amendments before legislators take a final vote on the bill.

All bills that are approved by one chamber are then sent to the other chamber and the entire process is then repeated. For example, if a Senate bill passes through its committee and passes second and third readings on the Senate floor, it will be sent to the House. There the bill will be read on the House floor, assigned to a House committee, and if it is voted out of the House committee, it proceeds to second and third readings on the House floor.

If there were any changes made to this Senate bill in the House, the bill must be sent back to the Senate (house of origin) for the Senate to concur with the House amendments. If the Senate members do not concur, the bill then will be sent to a Conference Committee (usually three legislators from each chamber) to work out a compromise. The lobbyists can work with the conference committee members to discuss the proposed compromise language.





North Carolina Retail Merchants Association

*The Voice of Retail Since 1902*

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