

# North Carolina Legislative Materials

Frances H. Hall

## **The Legislative Process**

The North Carolina Constitution provides that the General Assembly shall meet in regular session in odd-numbered years on the day prescribed by law. The present law provides that regular sessions be held biennially on the first Wednesday after the second Monday in January. Extra sessions may be convened on legislative call or by the governor. In recent years the General Assembly has met in adjourned sessions during even-numbered years. Ratification of bills by the General Assembly is the final step in the legislative process because the governor of North Carolina does not have the veto power. Acts become effective 30 days after adjournment unless the effective date is otherwise specified.

## **Sessions Laws**

The Legislative Services Office compiles the session law volumes for publication on state contract. The volumes are distributed by the secretary of state and are not usually available until more than six months after adjournment. The price of the 1979 volume is \$23.50.

The session law volumes are now entitled *Session Laws and Resolutions*. Prior to 1943 the title varied. Local and private laws were sometimes published in separate volumes and titled accordingly. Prefatory material in recent volumes includes a roster of the General Assembly; a list of the Senate and House offices; the names of the members of the Council of State, Legislative Services Staff, and Legislative Services Commission; and the text of the state constitution. The acts are arranged chronologically by the chapter number which is assigned in the order of enactment. The subject index includes a numerical index to Senate and House bills giving the chapter number of ratified bills. Local legislation is indexed under the name of the county or municipality affected. the index also includes a table, "Laws Amended or Repealed," which lists by chapter number earlier session laws affected. Resolutions appear in a separate section and are indexed separately.

Since the second 1975 session (1976), executive orders have been included in the session law volumes. Earlier executive orders are contained (although sometimes in summary form only) in the *Governors' Addresses and Papers* series published by the North Carolina Division of Archives and History.

There is no cumulative index to the session law volumes. However, the Institute of Government at the University of North Carolina has published the two-volume *Public-Local and Private Law Index* covering legislation from 1900-1967. These are now sold by the Secretary of State; the price is \$10.

## State Code

Since each volume of the session laws contains only the laws passed by the General Assembly during one session, and since these laws are arranged chronologically, codification is necessary in order to provide a subject or title arrangement of the law. The state's general public statutes are codified in the *General Statutes of North Carolina* (Charlottesville, Va.: Michie, 1943-4v in 17.) (For subscription information, contact publisher). Local legislation affecting less than ten counties and appropriation acts are not included in the codification. The code is divided into consecutively numbered chapters. The chapter number is used as the first part of each code section number. The sections in each chapter are numbered consecutively beginning with the number "one." Code section numbers thus consist of the chapter number, a dash, and the number of the section in the chapter.

The *General Statutes* are annotated with digests of court decisions interpreting code sections. Since July, 1969, the North Carolina attorney general's opinions which construe statutes are also cited in the annotations. The *General Statutes* are kept up to date by cumulative pocket parts, pamphlet supplements, and recompiled volumes. The publisher's contract requires the updated supplements be issued within six months after the end of a legislative session.

The *General Statutes* also contain the text of the North Carolina Constitution annotated and the United States Constitution, court rules, Rules, Regulations, and Organization of the State Bar, Codes of Judicial Conduct and Professional Responsibility of the State Bar, Rules Governing Admission to Practice of Law, Rules Governing Practical Training of Law Students, Regulations Relating to the Appointment of Counsel for Indigent Defendants, Supreme Court Library Rules, and comparative tables. The comparative tables include a "Table of Comparable Sections of 1868 Constitution and 1970 Constitution," a comparison of sections in the *General Statutes* and the previous codification (*The Consolidated Statutes*), a table listing deleted sections, and a list of acts codified since 1919 with their code citation. There is a three-volume subject index.

The 1979 General Assembly created the commission on Code Recodification to coordinate the recodification of North Carolina laws. The commission is directed to present a legislative edition of the proposed codification to the 1983 General Assembly for approval.

## Journals

North Carolina Senate and House journals have been published after each legislative session since 1777. They are compiled by the principal clerk of the respective houses, printed on state contract, and distributed by the secretary of state. The journals are usually not available until more than six months after the session adjourns. The volumes for 1979 (first session) are priced at \$109.50. Since the journals do not contain legislative debates, their usefulness in determining legislative intent is limited. They do, however, contain the governor's addresses to the General Assembly which explain the need for the legislation he recommends.

Prefatory material in recent journal volumes includes a list of officers and the names of the members arranged by the district represented. House journal

volumes contain an appendix which includes the governor's addresses, members' speeches which were ordered printed, the chaplain's prayers, committee assignments, and a list of bills introduced by each member. In addition to the subject index, the index section includes a numerical list of bills and resolutions showing their status at adjournment.

Recent Senate journals contain an appendix which includes the governor's addresses, the text of simple resolutions, and lists of appointments shared by the Lieutenant Governor and the Speaker of the House and by the Senate President Pro Tempore and the Speaker of the House. The index section contains a list of bills and resolutions introduced by each senator, a numerical list of Senate bills and resolutions, a numerical list of House bills and resolutions transmitted to the Senate, a subject index, a list by chapter number of ratified bills, and a numerical list of resolutions.

## Bills

During legislative sessions the Institute of Government offers a subscription service for copies of bills, including ratified bills with chapter numbers assigned. The cost of the service for the 1979 session was \$200, for public bills, and \$75, for local bills. A reduced rate is available for educational institutions. Individual bills are available at the Bill Room in the Legislative Building at no charge. Commerce Clearing House, Inc. also publishes a legislative reporting service. (For subscription information, contact publisher.)

Since 1975 the Michie company has provided the *Advance Legislative Service* as part of the subscription to the *North Carolina General Statutes*. This service, which begins publication during the session, contains the text of general and permanent acts with a subject index and "Table of General Statutes Sections Added, Amended, or Repealed."

After the General Assembly adjourns, legislative papers including original bills, resolutions, bill jacket (on which appear the legislative history), petitions, committee reports, certificates of election, calendars, etc., are deposited at the North Carolina Division of Archives and History. The Institute of Government maintains a file of bills beginning with the 1949 session. Proposed amendments are filed with the bill to be amended. The Legislative Library bill collection begins with the 1971 session. The North Carolina Collection at the University of North Carolina Library at Chapel Hill has a collection of bills beginning with the 1937 session, with scattered holdings dating back to 1858.

## Tracing Legislation

Ample material is available to trace a bill from its introduction to its final disposition. The Institute of Government began publishing a legislative service in 1935. The current *Legislative Bulletin Services* consists of the "Daily Bulletin, a Digest of Action by the North Carolina General Assembly," "Calender Action," "Weekly Summary," and "Index of Legislation." The "Index" includes a status report for public bills arranged by *General Statutes* chapter number; and index to local bills showing counties affected; "Ratified Bills and Resolutions;" and, "Final Disposition of Bills and Resolutions." The price of this service for the 1979 session was \$595. Several months after adjournment, the Institute of Government publishes the *Summary of Legislation of Interest to Public Officials*.

The Institute of Government, the Legislative Services Office, and the State Management System administer a computerized bill statute and history system during legislation sessions. The Legislative Library conducts computer searches for the public at no charge. Information provided includes a short description of each bill, the name of the introducer and sponsors, bill history status, list of bills introduced by individual legislators, and bills affecting specific counties. A subject approach is provided by a word term index.

## Determining Legislative Intent

Limited material is available to assist in determining legislative intent. Committee hearing and reports are not usually published. Committee reports generally contain only a recommendation as to the passage of a bill or rejection without an explanation of the rationale behind the recommendations. Occasionally committee proceedings are recorded on tape. These recordings are deposited in the Legislative Library but have not been transcribed. Since 1975, a copy of the Minutes Books of the Senate committees has been deposited in the Legislative Library. House Minutes Books are also available in the Legislative Library beginning with those for the 1977 session. The collection is not complete for the first years. The Minutes Books contain summaries of committee proceedings, rather than verbatim reports, and vary in the amount of detail provided. They are frequently useful, however, in determining the purpose of legislation.

In 1965 the General Assembly created the Legislative Research Commission composed of members from both houses. Occasionally non-members are appointed to committees of the commission. The commission is directed to make studies of governmental agencies and institutions and matters of public policy as the General Assembly designates. The results of studies are published in reports containing recommendations and the text of bills drafted to implement the recommendations. Reports of the commission and other special committees or commissions created by the governor or General Assembly to study the need for legislation are useful in determining legislative intent.<sup>1</sup> The reports of the following permanent commissions may also be useful for this purpose.<sup>2</sup>

*North Carolina. Criminal Code Commission. Report. 1970 . (biennial). Recommends revisions in the criminal law.*

*North Carolina. General Statutes Commission. Report. 1947- . (biennial). Recommends substantive changes to the North Carolina General Statutes.*

*North Carolina. Judicial Council. Report. 1951- . (biennial). Recommends revisions in the law concerning courts and the administration of justice.*

The North Carolina Supreme Court has stated that the intent of the legislature "must be found from the language of the act, its legislative history, and the circumstances surrounding its adoption which throw light upon the evil sought to be remedied. Testimony, even by members of the Legislature which adopted the statute as to its purpose and the construction intended to be given

by the Legislature to its terms, is not competent evidence upon which the court can make its determination as to the meaning of the statutory provision." *North Carolina ex rel. Milk Commission v National Food Stores*, 270 N.C. 323, at 332 (1967).

## Other Publications

North Carolina. General Assembly. *Public Documents*. 1829-1920. 58 v. Contains annual reports of executive officers and special reports of the governor and the General Assembly.

North Carolina. General Assembly. House of Representatives. *Rules-Directory*. 19 - .(biennial). (Available from the Principal Clerk of the House.)

North Carolina. General Assembly. Senate. *Rules-Directory*. 19 - .(biennial). (Available from the Principal Clerk of the Senate.)

North Carolina. Secretary of State. *North Carolina Manual*. 1874- .(biennial). Contains biographical information.

## Addresses of Sources of Publication

Bill Room  
Legislative Building  
Jones Street  
Raleigh, NC 27611  
(919) 733-5648

Commerce Clearing House, Inc.  
4025 West Peterson Avenue  
Chicago, IL 60646

Institute of Government  
University of North Carolina  
Chapel Hill, NC 27514  
(919) 966-5381

Legislative Library  
Legislative Building  
Jones Street  
(919) 733-7778

The Michie Company  
Post Office Box 7587  
Charlottesville, VA 22906  
(804) 295-6171

Principal Clerk  
House of Representatives  
Legislative Building  
Jones Street  
Raleigh, NC 27611  
(919) 733-7760

Principal Clerk  
Senate  
Legislative Building  
Raleigh, NC 27611  
(919) 733-7760

Secretary of State  
Publications Department  
116 West Jones Street  
Raleigh, NC 27611  
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## REFERENCES

<sup>1</sup> Titles of reports of the Legislative Research Commission submitted to the 1979 General Assembly, second session (1980), include: *Administrative rules*, *Gasohol production and distribution*, *Hydroelectric generation of power*, *Law enforcement officers salary continuation plan*, and *Public school facility needs*.

Reports of the commission are available from the Legislature Library. The supply of copies of legislative committee reports is sometimes limited. The Legislative Library will provide copies when available.

The 1979 General Assembly created the North Carolina Courts Commission with the duty of making continuing studies of the court system and judicial department for the purpose of recommending changes necessary to facilitate the administration of justice. The commission will report to the 1981 General Assembly.



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