

The General Assembly

The 2022 short session convened on May 18, just a few weeks after holding the final 2021 reconvened session. While the session's work was completed on July 1, legislators held reconvened sessions monthly through the end of the year. The Governor vetoed four bills and allowed two bills to go into law without his signature.

This chapter provides an overview of the 2022 session, including major legislation enacted. Please note that School of Government (SOG) faculty members and experts are writing summaries of selected legislation of interest to state and local government officials. These summaries are available on the SOG's legislative reporting service website. The summaries are available directly at: <https://lrs.sog.unc.edu/lrs/legsumms/2022>; the site will be updated as new summaries are available.

Overview of the 2022 Regular Session

Article II, Section 11, of the North Carolina Constitution provides for a biennial session of the General Assembly that convenes in every odd-numbered year. Until 1973 the General Assembly held a single regular session, convening in each odd-numbered year, meeting several months, and then adjourning sine die. Prior to 1974, legislative sessions in even-numbered years of the biennium were extra sessions and they were rare and of short duration.

Beginning with the 1973-74 biennium, the General Assembly began holding annual sessions. The General Assembly convenes in January of odd-numbered years. In these "long sessions," which generally run through midsummer, a biennial budget is adopted and any legislative business may be considered. In even-numbered years the General Assembly convenes for a "short session," which generally runs from May through July or August. In the short session the General Assembly considers budget adjustments for the second year of the biennium and generally deals with bills that have passed one house and a limited number of additional noncontroversial matters. Legally the short session is a continuation of the long session.

The 2022 short session convened on May 18 and adjourned July 1, with plans to return monthly, beginning July 26 for sessions lasting three days, with a December session that did not include an end date. As discussed later in this document, Under Ch. Res. 2022-6 ([SJR 917](#)), the issues that could be considered during those sessions was limited in scope. Ultimately, legislators did not take any actions during these sessions. In an unusual procedural move, legislators did not put forward a resolution to adjourn the 2022 sessions, so the session was left to expire on its own at the end of the year¹.

¹ A House motion was adopted on December 13 to suspend the rules for December 29th put forward by Rules Chairman Destin Hall, stating the following.

"Mr. Speaker, pursuant to Mason's Sections 32(3) and 489(4)(e), I move that Mason's Sections 201 and 445 (1) and (3) be suspended for the Pro Forma Session anticipated on December 29th. Those Sections shall not apply to a motion to adjourn made on that date with no provision made as to the time of reconvening.

In absence of those sections, pursuant to Mason's Section 39(5), the precedents set by the Senate may be accorded some weight, which explicitly recognize that a session terminates automatically

The 2021 adjournment resolution, (Ch. Res. 2022-2; [SJR 748](#)), limited the matters that may be considered during the 2022 short session to the following:

(1) bills directly and primarily affecting the State budget, including an occupational licensing board's budget for fiscal year 2022-23 if the bill is submitted to the Bill Drafting Division by 4:00 P.M. Monday, May 9, 2022, and introduced in the House of Representatives or filed for introduction in the Senate by 4:00 P.M. Thursday, May 26, 2022; (2) bills that propose a State Constitutional amendment and contain no other matter, propose a State Constitutional amendment and contain no other matter except statutory conforming changes to implement such bills, or that solely make statutory and transitional changes to implement bills that only propose a State Constitutional amendment; (3) bills and resolutions introduced in 2021 that passed third reading in 2021 in the house in which introduced, were received in the other house in accordance with Senate Rule 41 or House Rule 31.1(h) (crossover deadline), as appropriate, and were not disposed of in the other house by tabling, unfavorable committee report, indefinite postponement, or failure to pass any reading, and which do not violate the rules of the receiving house; (4) bills and resolutions implementing the recommendations of: (a) study commissions, authorities, and statutory commissions authorized or directed to report to the 2022 Regular Session, (b) the General Statutes Commission, the Courts Commission, or any commission created under GS Chapter 120 that is authorized or directed to report to the NCGA, (c) the House Ethics Committee, (d) select committees, (e) the Joint Legislative Ethics Committee or its Advisory Subcommittee. Requires these bills to be submitted to the Bill Drafting Division by 4:00 P.M. Monday, May 9, 2022, and be filed for introduction in the Senate or introduced in the House of Representatives by 4:00 P.M. Wednesday, May 25, 2022; (5) any local bill that has been submitted to the Bill Drafting Division 4:00 P.M. Monday, May 9, 2022, and is introduced in the House of Representatives or filed for introduction in the Senate by 4:00 P.M. Tuesday, May 31, 2022, and is accompanied by a certificate from the principal sponsor stating that no public hearing will be required or asked for by a member, the bill is noncontroversial, and the bill is approved for introduction by each member of the House of Representatives and the Senate whose district includes the area to which the bill applies; (6) bills providing for the selection, appointment, or confirmation as required by law; (7) bills providing for action on gubernatorial nominations or appointments; (8) any matter authorized by joint resolution passed by a two-thirds majority of the members of both Senate and the House of Representatives present and voting; (9) a joint resolution authorizing the introduction of a bill pursuant to (8); (10) any bills primarily affecting any State or local pension or retirement system that has been submitted to the Bill Drafting Division by 4:00 P.M. Monday, May 9, 2022, and introduced in the House of Representatives or filed for introduction in the Senate by 4:00 P.M. Thursday, May 26, 2022; (11) joint resolutions and simple resolutions authorized for introduction under Senate Rule 40.1 or House Rule 31; (12) bills vetoed by the Governor solely for the purpose of considering overriding the veto; (13) bills responding to actions related to litigation concerning the districts for Congressional, State House, State Senate, judicial, municipal, county, and other elected officials' actions and any other litigation challenging the legality of legislative enactments; (14) any bills relating to election laws; (15) bills to disapprove rules; (16) bills providing for constitutional or statutory impeachment; (17) a joint resolution further adjourning the 2021 Regular Session, amending a joint resolution adjourning the 2021 Regular Session, or adjourning the 2021 Regular Session, sine die.

A list of the bills that made it through the crossover deadline can be found here on the North Carolina General Assembly's website: <https://webservices.ncleg.gov/ViewDocSiteFile/56275>.

Ch. Res. 2022-2 also allowed the Speaker of the House or the President Pro Tempore of the Senate to authorize appropriate committees or subcommittees of their respective houses to meet during the interims between sessions to: (1) review matters related to the State budget for the 2021-23 fiscal biennium; (2) prepare reports, including revised budgets; or (3) consider any other matters deemed appropriate. Allows a conference committee to meet in the interim upon approval by the Speaker of the House of Representatives or the President Pro Tempore of the Senate.

at the end of the constitutional term without specific actions by one or both chambers being necessary, including a concurrent resolution adjourning the 2021 Regular Session of the General Assembly sine die.”

Statistical Comparison

The 2022 short session convened on May 18 and included several additional that took the session through the end of the year. While these sessions took place monthly, no work was actually performed after adjournment on July 1. Despite holding sessions throughout the rest of the year, the number of bills introduced and session days are in line with the previous short session. A sharp decline can be seen however, in the number of bills that became law. Only 72 bills, or 19% of the bills that were introduced became law. This is in contrast to the 2020 session when 27% of bills were enacted. Correspondingly, there was a drop in the number of bills that were vetoed by Governor Cooper in 2022, with only 4 bills vetoed as compared to the 11 vetoed by the Governor in 2022.

Table 11 compares the 2022 session with other even-year sessions of the past ten years.

Table 11. Statistical Comparisons of Recent Even-Year Sessions

	2012	2014	2016	2018	2020	2022*
Date convened	May 16	May 14	April 25	May 16	April 28	May 18
Date adjourned	July 3	August 20	July 1	June 29	September 3	December 31
Senate legislative days	29	56	44	28	44	44
House legislative days	29	55	41	30	42	43
Senate bills introduced	165	157	181	109	170	169
House bills introduced	294	253	206	175	204	197
Total bills introduced	459	410	387	284	374	366
Session Laws Enacted	203	122	144	132	102	72
Vetoed	3	1	1	12	11	4

* Includes sessions convened through the end of the year.

The Legislative Institution

Membership Changes

Membership remained relatively stable in the House and Senate with only a few membership changes in each chamber during the 2022 session. Representative Verla Insko, who served 13 terms in the House, resigned May 31; Allen Buansi was named as her replacement. Representative Grier Martin, resigned in July; Jack Nichols was named as his replacement. Representative Bobby Hanig resigned on August 29 in order to take the Senate seat that was vacated by Sen. Steinburg. In September, S. Paul O'Neal was named as Hanig's replacement.

The Senate saw only one membership change with the resignation of Senator Bob Steinburg at the end of July; Representative Bobby Hanig was appointed to the seat.

Study Committees and Commissions

The 2022 session did not include a comprehensive study bill, but several bills were passed that required pilot programs or studies to be performed by already existing committees, commissions, or departments.

The 2022 Farm Act, [S.L. 2022-55](#) (Senate Bill 762) directs the Agriculture and Forestry Awareness Study Commission to study whether to establish requirements for manufacturers of farm

equipment to make documentation, parts, software, or tools required to diagnose, maintain, or repair electronically enabled farm equipment available to owners of the farm equipment or independent repair providers in the same manner as those items are available to the manufacturer's authorized repair provider; it also requires considering any limitations and enforcement mechanisms that should apply. The Commission is required to report back before the convening of the General Assembly's 2023 Regular Session of the General Assembly.

The Department of Environmental Quality is required to conduct a few studies. First, [S.L. 2022-43](#) (House Bill 219), requires the Department of Environmental Quality to study way to expedite permit issuance under the express permit and certification review program and the fast-track permitting for the stormwater management systems program. A report is required to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources by December 31, 2022. Second, [S.L. 2022-11](#) (Senate Bill 372) requires the Department of Environmental Quality to study the requirements of the Sedimentation Pollution Control Act of 1973 (Act) and federal requirements that apply to stormwater discharges from construction activities in order to identify the Act's requirements that are more stringent than, or redundant to, federal requirements applicable to stormwater discharges from construction activities. A report, including recommendations for legislative action to streamline permitting of NCG01 applications, is due to the Environmental Review Commission by September 1, 2022.

[S.L. 2022-74](#) (House Bill 103), the 2022 Appropriations Act, includes the following studies related to education and health. The act requires myFutureNC, Inc., to consult with the North Carolina State Education Assistance Authority, the Department of Public Instruction, the Community College System Office, and The University of North Carolina System Office, in partnership with their respective public school units, community colleges, and universities, in reporting to the Joint Legislative Education Oversight Committee and the Fiscal Research Division by March 15, 2023, on the requirements needed to create an interconnected and interoperable real-time data system to that will facilitate communication, collection, and transition of student data between public school units, community colleges, and universities and to provide students access to their own data. The stated goal of the system is to more efficiently share data among educational institutions using student information management systems that are already in place, as well as to help students in earning postsecondary credentials, and to eliminate redundant efforts and expenses. In a second study, the UNC Board of Governors is required to collaborate with the State Board of Community Colleges in conducting a study and making recommendations by February 1, 2023, to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services on methods and a timeline for increasing the number of UNC and community college nursing program graduates by at least 50%. The act also requires the North Carolina Health Information Exchange Advisory Board to report by March 31, 2023, on the statewide health information exchange network (HIE Network) known as NC HealthConnex to the Joint Legislative Oversight Committee on Health and Human Services on an update on the connectivity status of providers and entities required by statute to connect to and submit data through the HIE Network, and on additional recommendations regarding appropriate features or actions to support enforcement of the Statewide Health Information Exchange Act and enhancement of the HIE Network.

Major Legislation Enacted in 2022

The 2022 General Assembly enacted a number of significant pieces of legislation, a few of which are discussed below. Please note that additional legislation passed by the General Assembly is discussed in the Governor's Veto section of this document.

Criminal Law

Several bills were enacted during the 2022 short session that amend or add to criminal offenses in North Carolina. [S.L. 2022-8](#) (House Bill 315) creates two new felonies: burning commercial structures and burning of jails or prisons. The law also amends other existing arson laws. [S.L. 2022-30](#) (Senate Bill 766) increases the punishment for organized retail theft and adds penalties for property damage or assault of a person during the commission of organized retail theft. For further discussions of these two session laws, see [this](#) post and [this](#) post on the SOG's Criminal Law blog, both written by faculty member Brittany Bromell.

Additionally, among various other motor vehicle and transportation law changes, [S.L. 2022-68](#) (Senate Bill 201) makes it a Class I felony to knowingly possess a catalytic converter removed from a motor vehicle unless the individual meets one of three listed exceptions. The new statute applies to offenses committed on or after December 1, 2022.

[S.L. 2022-50](#) (House Bill 674) amends G.S. 15A-266.4, which requires individuals to submit to DNA sampling upon a conviction or finding of not guilty by reason of insanity for certain crimes. The act adds to the listed crimes that trigger the statute's DNA sampling requirements to also include assault on a female by a male person at least 18 years of age in violation of G.S. 14-33(c)(2), assault on a child under the age of 12 years in violation of G.S. 14-33(c)(3), and all domestic violence offenses described in G.S. 50B-4.1 (violation of valid protective order). The changes apply to convictions or findings on or after December 1, 2022.

Jordan's Law

Jordan's Law, [S.L. 2022-48](#) (House Bill 615), grants courts authority to temporarily renew domestic violence protective orders that are set to expire before a hearing on a motion to renew the protective order can be held. The act requires ex parte application by the plaintiff, and requires the temporary renewal be set for a fixed period not to extend beyond the date of the renewal hearing or 30 days from the date the current order is set to expire, whichever occurs first, absent the express written consent of both parties or their attorneys. This change applies to pending motions to renew filed before, on, or after December 1, 2022.

Court System Changes

Two session laws were enacted that contain diverse changes to the State's court system. The first, [S.L. 2022-47](#) (House Bill 607), temporarily suspends the automatic expunction of dismissed charges, not guilty verdicts, and findings of not responsible under GS 15A-146(a4), and directs the Administrative Office of the Courts to convene a group of stakeholders to examine and make recommendations to resolve the implementation issues surrounding these automatic expunctions. Other changes in the act include revising the residency requirements of magistrates to allow individuals seeking nomination or renomination as county magistrate to reside in a county contiguous to the county for which the individual is seeking nomination or renomination; authorizing the chief district court judge to investigate written complaints against magistrates; and increasing the number of Court of Appeals judges included as members of the Judicial Standards Commission from one to two.

The second, [S.L. 2022-73](#) (House Bill 252), grants district courts exclusive original jurisdiction over any case involving a juvenile who is alleged to be delinquent as the result of an act committed within the boundaries of military installation when the act is also a crime or infraction under State law, so long as concurrent jurisdiction has been established. The law establishes concurrent jurisdiction with the United States over military installations located in the State in such matters if the US Attorney or the US District Court waives exclusive jurisdiction and the federal violation is also a crime or infraction under State law. S.L. 2022-73 also amends the procedure for filling district court judge vacancies by appointment. Under current law, the Governor appoints an individual to serve the unexpired term. The ratified amendments require the gubernatorial appointee to serve only until an election is conducted at the same time as the next election for General Assembly members

that is more than 60 days after the vacancy occurs. The individual elected must serve either a four-year term or the unexpired term of the vacancy, which is determined by whether the unexpired term of office ends on the first day of January following the next General Assembly election, or on the first day of January two years following the next General Assembly election, respectively. For instances when the vacancy occurs after the opening of the filing period for the office, the act sets out the process by which each political party executive committee for the district in which the vacancy occurs may nominate an individual to be listed on the general election ballots. Additionally, the law expands the grounds for a court to set aside the forfeiture of a bail bond following a defendant's failure to appear to include noncompliance with statutory notice requirements and the court's refusal to issue an order for arrest for the defendant's failure to appear.

Prison Safety

The legislature passed numerous amendments to public safety laws in S.L. 2022-58 (House Bill 560). The act amends the Crime Victims Compensation Act by doubling allowable expenses related to funeral, cremation, and burial, and increasing the cap for compensation payable to a victim and all other claimants sustaining economic loss other than funeral and burial expenses because of injury to or the death of the victim. Changes enacted in this legislation include, among others, allowing probation officers to be assigned by the Secretary of Public Safety to perform additional duties during a declared state of emergency or a natural disaster, and increasing the statutory cap on pay for inmates working jobs that require special skills or training.

Alcoholic Beverage Control

Several bills revised G.S. Chapter 18B and related ABC laws. The 2022 omnibus ABC bill was [S.L. 2022-44](#) (House Bill 768). Among the wide ranging changes to ABC laws, the act establishes a new packaging and logistics permit; provides for a transition period for ABC permits after a change in ownership of a permitted establishment; and replaces the defined term "private bar" in G.S. Chapter 18B with "bar," thereby repealing the long held membership requirements of private bars.

Another omnibus-style ABC bill, [S.L. 2022-51](#) (Senate Bill 470), amends laws related to alcoholic beverage control and the ABC Commission. Changes include excepting the ABC Commission from the rulemaking procedures of the Administrative Procedure Act when approving alcoholic beverages to be sold in ABC stores through the State warehouse and special orders; allowing recyclable spirituous liquor containers to be used for display purposes as provided by the ABC Commission; and exempting from public health inspections permitted establishments' bar area where alcoholic beverage are prepared, poured, or mixed before service to customers and food is not prepared.

Other ABC bills include S.L. 2022-49 (House Bill 211), which recodifies and amends recently enacted laws providing for common area entertainment permits and authorizing local governments to establish social districts, and S.L. 2022-69 (House Bill 661), which reduces until December 31, 2023, certain minimum age requirements for wholesaler salesmen and employees of ABC permittees that provide for on-premises sale or consumption of alcoholic beverages.

Property Law

A few property law changes were enacted in the short session. First, the General Assembly explicitly abolished the common law rule against perpetuities in [S.L. 2022-64](#) (House Bill 1018), clarifying the legislature's intent to abolish the common law rule when the Uniform Statutory Rule Against Perpetuities was enacted in 1995. A second property bill, Weston's Law, [S.L. 2022-56](#) (House Bill 619) creates elevator safety requirements for private rental accommodations, including vacation rentals. The act mandates that the landlord prevent operation of an elevator which does not comply with the established requirements relating to hoistway face gaps and gates and doors until the elevator satisfies the corrective criteria. Weston's Law makes violations of the safety requirements punishable as a Class 2 misdemeanor.

Remote Academies and Public Education

[S.L. 2022-59](#) (Senate Bill 671) addresses virtual education in public schools. This legislation repeals the June 30th, 2022, sunset of G.S. 115C-84.3, permitting public school units to use remote instruction up to a certain threshold to meet school calendar requirements, with the flexibility applicable beginning with the 2021-22 school year, with no sunset given. Additionally, the act allows for public school units to apply to the State Board of Education for approval of remote academies, defined as a public school whose instruction is primarily online through a combination of synchronous and asynchronous learning, and may include any combination of grade levels. The law requires local units to comply with class size laws.

Other miscellaneous education laws are amended in [S.L. 2022-71](#) (House Bill 159). The act expands the qualifications for early childhood credentials and pre-k teaching assistants; extends charter school enrollment priority to grandchildren of school employees or board of directors; and revises school nutrition criteria.

State and Local Government

The legislature enacted the annual regulatory reform bill as [S.L. 2022-75](#) (House Bill 911), amending wide-ranging regulatory authorities at the State and local level. The act amends the public records laws set out in G.S. Chapter 132 by expanding the definition of “sensitive public security information,” which is deemed not public record under the Chapter, to include specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure, whether physical or virtual, for the production, generation, transmission, or distribution of energy. Additionally, the regulatory reform bill revises various professional licensing qualifications and licensing authorities related to cosmetic arts, teachers, veterinarians, and contractors.

A few of the act’s provisions related to local governance include authorizing sanitary districts to create, maintain, and operate parks and recreation programs and facilities with the same powers as those statutorily provided to cities and counties, barring the power of eminent domain; authorizing local governments to enter into Intergovernmental Support Agreements with the Secretary of a military branch of the U.S. Armed Forces to provide installation-support services; and extending the deadline for small municipalities to adopt a comprehensive plan as required in S.L. 2019-111, Land Use Regulatory Changes, until July 1, 2023.

A number of bills amended or added to professional licensing statutes, including: [S.L. 2022-54](#) (House Bill 776), establishing registration as a remote electronic notary; [S.L. 2022-72](#) (House Bill 792), consolidating the Board of Barber Examiners and the Board of Electrolysis Examiners; [S.L. 2022-66](#) (Senate Bill 424), making changes to the Private Protective Services Board and profession; and [S.L. 2022-11](#) (Senate Bill 372), establishing required experience caps for electrical contracting license classifications.

[S.L. 2022-11](#) also makes changes to various wastewater, sedimentation, and building code laws. Of note, the act heavily amends the process for on-site wastewater permitting; adds a new requirement for the Building Code Council to promulgate rules, procedures, and policies for the approval of alternative designs and construction by January 1, 2023; and requires every local government to designate a person responsible for the daily oversight of the local government’s inspection duties and responsibilities.

Agriculture and Wildlife

The Farm Act of 2022, [S.L. 2022-55](#) (Senate Bill 762), was shorter in length than most years. A few of the changes made by the Farm Act include (1) expanding the exception for farm buildings from building code compliance to include buildings used primarily for the storage of agricultural commodities or products or storage and use of materials for agricultural purposes, and (2) adding buildings or structures that are used solely for the storage of cotton, peanuts, or sweet potatoes, or their byproducts, within the definition of property used for a bona fide farm purpose that are exempt from county zoning regulation. The Act also directs the Agriculture and Forestry Awareness Study

Commission to study whether to establish requirements for manufacturers of farm equipment to make documentation, parts, software, or tools required to diagnose, maintain, or repair electronically enabled farm equipment available to owners of the farm equipment or independent repair providers in the same manner as they are available to the manufacturer's authorized repair provider. Earlier editions of the bill included statutory requirements on this matter, but legislators' disagreement over the scope and detail of the statutory language ultimately caused the study directive to pass instead.

Other enactments involving agriculture and wildlife include: [S.L. 2022-45](#) (Senate Bill 388), which expands tax exemptions for farmers operating zoos and wildlife managers; [S.L. 2022-32](#) (Senate Bill 455), which amends the definition of "marijuana" under the NC Controlled Substances Act to explicitly exclude hemp and hemp products, effective June 30, 2022; and [S.L. 2022-65](#) (Senate Bill 339), which enacts amendments to wildlife resources laws, including increasing criminal penalties for violations of the emergency powers of the Executive Director of the Wildlife Resources Commission (WRC) or rules adopted by WRC in response to a wildlife disease that threatens irreparable injury to wildlife or the public.

Public Health

[S.L. 2022-9](#) (Senate Bill 448) amends the Controlled Substance Act to automatically exclude from Schedule VI any FDA-approved prescription drug that is designated, rescheduled, or deleted as a controlled substance under federal law, unless the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services objects.

The Governor's Veto

At the end of the biennium Governor Cooper has vetoed a total of 22 bills; none of the vetoes were overridden. The Governor exercised his veto power four times during the 2022 session, all on July 11, with the General Assembly letting all of the vetoes stand by not attempting any overrides. The bills vetoed in 2022 are discussed in more detail below.

Concealed Carry Permit

The first bill vetoed in 2022 was House Bill 49, Concealed Carry Permit Lapse/Revise Law. The act would have exempted a concealed carry permittee from the requirement of completing a firearms and safety course when the permittee applies to renew the permit more than 60 but less than 180 days after the permit expires and the permittee completes a refresher course on laws pertaining to the use or carry of firearms and reports that completion to the sheriff.

In his veto message, the Governor stated, "Requiring sheriffs to waive firearm safety and training courses for those who let their concealed weapons permit lapse is yet another way Republicans are working to chip away at commonsense gun safety measures that exist in North Carolina."²

No override was attempted.

Child Advocacy Centers

The second bill vetoed was House Bill 823, Child Advocacy Centers/Share Information. The bill would have set out 18 requirements that a Child Advocacy Center must meet, including having a multidisciplinary team that must meet on a regularly scheduled basis and be routinely involved in investigations and multidisciplinary team interventions, in order to receive State or federal funds administered or distributed by a State agency or any other funds appropriated or allocated by the North Carolina General Assembly. The bill also included provisions related to the

² The Governor's Objections and Veto Message for House Bill 49 is available at: <https://webservices.ncleg.gov/ViewBillDocument/2021/55338/0/H49-BD-NBC-9600>.

sharing of information and provided limited immunity from civil liability for Center board members, staff members, and volunteers.

In his veto message, Governor Cooper stated, “This bill was well-intentioned to better serve children, but in their hurried conclusion of session it included critical flaws, for example, limiting department of social services’ ability to refer children who have come to the attention of child welfare to pediatric specialists for appropriated medical diagnosis and treatment. Legislators should continue to work with the NC Department of Health and Human Services, the Child Advocacy Centers, and others to fix these flaws and move this work forward in future legislation to best help children.”³

Legislators did not attempt to override the veto.

Schools for the Deaf and Blind

The Governor also vetoed Senate Bill 593, Schools for the Deaf and Blind. The act would have required that The Governor Morehead School for the Blind, The Eastern North Carolina School for the Deaf, and The North Carolina School for the Deaf House be governed by Boards of Trustees where four of the voting members would have been appointed by the General Assembly and one by the Governor. Among their duties, the Boards of Trustees would have appointed a director for the school.

In his veto message, Governor Cooper stated: “Not only is this bill blatantly unconstitutional, it continues this legislature’s push to give more control of education to Boards of Trustees made up of partisan political appointees. First the legislature seized control of all UNC System trustee appointments from the Executive Branch. They did the same with two of the state’s community college boards. And now, this bill removes administration of the important NC Schools for the Deaf and Blind from the State Board of Education to a newly created board with 80% of the trustees, who may or may not know how to run these schools, appointed by the legislature. The students at the schools deserve steady, knowledgeable leadership rather than becoming a part of the erosion of statewide education oversight.”⁴

A veto override was not attempted.

Cooperation With ICE

The final bill vetoed was Senate Bill 101, Require Cooperation with ICE 2.0. The bill would have required contacting Immigration and Customs Enforcement (ICE) when an individual charged with certain offenses felonies or misdemeanors was placed in custody and the facility was unable to determine their legal residency or US citizenship status. Those individuals that were subject to a detainer and administrative warrant would have been required to have been held until the earlier of 48 hours, ICE taking custody of the individual, or rescinding of the detainer. The act also would have established a number of reporting requirements on compliance with the bill.

In his veto message, Governor Cooper vetoed the bill because, “This law is only about scoring political points and using fear to divide North Carolinians. As the state’s former top law enforcement officer, I know that current law already allows the state to incarcerate and prosecute dangerous criminals regardless of immigration status. This bill is unconstitutional and weakens law enforcement in North Carolina by mandating that sheriffs do the job of federal agents, using local resources that could hurt their ability to protect their counties.”⁵

³ The Governor’s Objections and Veto Message for House Bill 823 is available at: <https://webservices.ncleg.gov/ViewBillDocument/2021/55339/0/H823-BD-NBC-9601>.

⁴ The Governor’s Objections and Veto Message for Senate Bill 593 is available at: <https://webservices.ncleg.gov/ViewBillDocument/2021/55335/0/S593-BILL-NBC-9599>.

⁵ The Governor’s Objections and Veto Message for Senate Bill 101 is available at: <https://webservices.ncleg.gov/ViewBillDocument/2021/55334/0/S101-BILL-NBC-9598>.

Legislators did not attempt to override the veto.

Continuation of Session

The adjournment resolution adopted on July 1, 2022, the last day of the short session, required the legislators to reconvene monthly from July through December. Each session, with the exception of the December session was short, meeting from Tuesday through Thursday.

The resolution, S.L. 2022-6 (SJR 917) limited the issues that could be discussed during these reconvened sessions to: (1) bills vetoed by the Governor solely for the purpose of considering overriding of the veto upon reconsideration of the bill; (2) bills providing for the selection, appointment, or confirmation as required by law, including the filling of vacancies of positions for which the appointees were elected by the NCGA upon recommendation of the Speaker, President of the Senate, or President Pro Tempore; (3) bills providing for action on gubernatorial nominations or appointments; (4) bills responding to actions related to litigation challenging the legality of legislative enactments; (5) bills relating to election laws; (6) bills providing for impeachment pursuant under Article IV of the NC Constitution or GS Chapter 123; (7) simple resolutions addressing organizational matters of each respective house; (8) adoption of conference reports for bills for which conferees had been appointed by both houses on or before July 1, 2022; and (9) a joint resolution further adjourning the 2021 Regular Session, amending a joint resolution adjourning the 2021 Regular Session, or adjourning the 2021 Regular Session, sine die. The resolution also allowed the Speaker of the House or the President Pro Tempore of the Senate to authorize appropriate committees or subcommittees of their respective houses to meet during the interims between sessions to (1) review matters related to the State budget for the 2021 -2023 fiscal biennium, (2) prepare reports, including revised budgets, or (3) consider any other matters as the Speaker of the House of Representatives or the President Pro Tempore of the Senate deems appropriate.

No action was taken during any of these reconvened sessions.

The 2023 Session

Legislators will return for the convening of the 2023 Regular Session of the General Assembly in January. The initial convening on January 11, 2023, will be for a one-day organizational session during which legislators will elect officers, adopt rules, and otherwise organize the session. Legislators will then return for the regular session on January 25.

Christine B. Wunsche
Caitlin Little