

NCGA 2019 Wrap-Up: A Tale of a Legislative Impasse

Written By **James W. Norment** (jwn@wardandsmith.com)

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It's a wrap for the 2019 North Carolina General Assembly, at least for now.

Lawmakers have adjourned for the year, ending one of the longest legislative sessions in recent years that was riddled with contentious standoffs, heated debates, and controversial legislative-maneuvering. This article looks back at events surrounding one of the biggest issues left

unresolved: the budget.

Drama in the House

September 11, 2019, began as a routine and uneventful morning session for the North Carolina House of Representatives: Prayer, Pledge of Allegiance, and administrative announcements.

But when Representative Deb Butler, a Democrat from New Hanover County, heard a motion calling for a recorded vote only minutes after the Pledge was recited, she spun around in astonishment.

Representative Jason Saine, a leader of the Republican caucus from Lincoln, had just asked: "that the House pass House Bill 966, the 2019 appropriations act, notwithstanding the objections of the Governor."

Democratic Governor Roy Cooper vetoed the Republican majority's budget weeks earlier. Negotiating a budget he favored and defending his veto from being overridden were his central talking points and his immediate political objectives.

Representative Saine's innocuously worded motion was actually a parliamentary bombshell: The House would now vote to override the Governor's budget veto. Representative Saine made the motion because he knew it would pass. He had counted heads, and he saw that the Republican members were all present, but only a few Democrats were on the House floor.

Representative Butler was outraged because the motion was being made at the exact moment most Democratic members were out of the House chamber working on House district maps or other matters, and one Democratic member was at a 9/11 memorial ceremony. The absent Democrats were not counted in the number needed to override the veto. The Republicans were assured victory.

"This is a travesty of the process, and you know it," Butler shouted at the Speaker when the vote was called,

noting that Democratic leadership was not present. "We will not yield." She exclaimed that she had been told by the Republican leadership that no votes would be taken that morning, and that was why most Democrats were gone. She yelled so loudly and with such emotion that one of the Sergeants at Arms asked if she should be escorted from the chamber. She remained, but the drama continued for several minutes.

The Republicans did not have enough members of their caucus to override the Governor's veto on a party-line vote—if every Democrat attended the vote. The Governor felt he held some leverage as long as the Democratic members of the General Assembly supported him.

Especially:

The Never-Ending Story: Longest Session Ever

A General Assembly long session has no legal meaning; it's just the common name for the session held during odd-numbered years where the General Assembly drafts the two-year budget and has a chance to tackle other substantive issues. In the past, the long session ran six to seven months. The shorter session—held in even-numbered years—normally ran three to five months.

All that has changed, at least for now. The General Assembly convened on January 9 and adjourned on October 31. For a part-time legislature, the members had given 2019 more than ever before. But it wasn't over. The General Assembly reconvened on November 12 and adjourned on November 15. Will the members return in December or January? If they do, it would be extraordinary—and it would not be surprising.

Why the extra time in Raleigh? Throughout 2019, politics in Raleigh had devolved into multiple factions: Governor versus Republicans, Democratic legislator versus Republican members, and the House versus the Senate were just some of the more obvious battles.

2019 was a test of the power of the new Republican simple majorities in both chambers. House and Senate Democrats worked very hard to break the long-standing Republican veto-proof supermajorities in the 2018 election. They were successful and were eager to use their new numbers to sustain the Governor's ability to use his most powerful leverage: The veto.

For the first time since taking control of the General Assembly, Republicans had to account for how the Governor viewed a bill. Would he veto it? If he did, were there enough votes to override the veto? All of this required strategic adjustments, new approaches, and new bargains.

So far, the veto has proved powerful: The Governor has vetoed 14 bills passed with Republican majorities. None of those vetoes have been overridden—at least not yet.

The Budget Divides the General Assembly and the State

The state's operating budget for 2019-2020 remains dead. Instead, the state is hobbling along, spending funds based on 2018-2019 budget levels. And no new spending for line items that expired in 2019 is allowed—even if the line items are important policy priorities. Like a zombie too long in the ground, the 2019-2020 budget can be brought back to life if the Senate overrides the veto. Only one Democratic senator needs to vote with the Republicans to crush the veto.

But after the tumultuous experience in the House, the Governor and his Democratic senators are being especially vigilant for parliamentary maneuvering. And the Governor is exerting all the power of this office to convince Democratic senators to support his policies instead of Republican funding priorities.

Whether Democrats or Republicans won the budget standoff depends on who you ask. You could argue that Democrats won because no Republican budget was enacted, and the Governor's veto ruled the day. You could also argue that Republicans won because they kept at bay programs that they believed were bad policies, such as the Governor's Medicaid expansion plan.

Either way, we are now more than 1/3rd of the way through the 2019-2020 Fiscal Year, and we do not have an enacted budget for the state. This is unprecedented in modern North Carolina history since the end of the Civil War. Who, if anyone, gets blamed for this impasse will be seen in the next election.

2019 Legislative Session by the Numbers

Bills filed in House and Senate for 2019:

- House- 1031
- Senate- 701

Bills passed by either the House or Senate before the May crossover deadline (*This is the date by which most bills must pass from one chamber to the other in order to be eligible for consideration for the remainder of this regular session. These bills have passed one chamber and been received by or ordered sent to the other chamber. They have not been defeated in the other chamber*):

- 423

Bills ratified

- Unanimous Support- 156
- Mostly Party-line Support- 126

Legislators who likely will not run for re-election to the General Assembly in 2020:

- Rick Gunn (R) (retiring)
- Erica Smith (D) (running for US Senate)
- Terry Van Duyn (D) (running for NC Lt. Gov)
- Chaz Beasley (D) (running for NC Lt. Gov)
- Yvonne Lewis Holley (D) (running for NC Lt. Gov)
- Floyd McKissick (D) (appointed to NC Utilities Commission)
- Greg Murphy (R) (elected to Congress)
- Dan Bishop (R) (elected to Congress)
- John Alexander (R) (retiring)
- Chuck McGrady (R) (retiring)
- Michael Speciale (R) (retiring)

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