Insights: Perspectives

North Carolina General Assembly Update | November 12, 2021

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Kilpatrick Townsend's Government Relations Team represents a variety of clients across many industries and in all levels of government, with a focus on the North Carolina General Assembly. Below is an update on the activity at the NC General Assembly this week. Please feel free to contact a member of the team with any questions or visit our website to learn more about our Government Relations practice.

Legislative Schedule

No substantive work took place at the NC General Assembly this week. The House and Senate did not convene or conduct any committee work. With the redistricting process complete, the only major outstanding item that remains for this session is the budget. Republican leadership has informed Governor Cooper they plan to move forward with their own budget proposal next week. The spending plan is expected to be released Monday and moved through the legislature by Thursday. Leadership has indicated the proposal does not include Medicaid expansion, but does contain a number of the Governor's priorities.

Governor Cooper will have the option to sign, veto, or allow the bill to become law without his signature. If the Governor vetoes the plan, the legislature would have to conduct a veto override. An override requires a three-fifths majority vote. This means Republicans need three Democrats to vote for the override in the House and two in the Senate.

Leandro Case

On Wednesday, State Superior Court Judge David Lee ordered the state budget director, state treasurer, and state controller to transfer $1.7 billion from the General Fund, the total amount of money needed to fund an educational plan over the next two years. The order is a part of a twenty-seven year old lawsuit related to education funding, often referred to as “Leandro.”

The order will not go into effect for 30 days. Republican leadership believes the order is unconstitutional as the North Carolina Constitution only gives the General Assembly the power to appropriate money. However, Judge Lee said the state Constitution empowers the courts to act when the other branches of government don't follow their Constitutional obligations. The legislature could attempt to impeach Judge Lee. Impeachment would require a simple majority vote in the House and a two-thirds majority vote in the Senate. House Speaker Moore and Senate President Pro Tempore Berger issued a joint statement on the issue.