



NORTH CAROLINA GENERAL ASSEMBLY

**PRESIDENT PRO TEMPORE
PHIL BERGER**

**SPEAKER OF THE HOUSE
DESTIN HALL**

RALEIGH, NC 27601

November 13, 2025

The Honorable Josh Stein
Governor of North Carolina
20301 Mail Services Center
Raleigh, NC 27699

VIA ELECTRONIC DELIVERY

Dear Governor Stein,

We write jointly to respond and object to your November 6, 2025, Proclamation, made under Article III, Section 5(7) of the North Carolina Constitution, calling an extra legislative session on November 17, 2025. For the reasons set forth below, the General Assembly will not convene an extra legislative session on Monday, November 17.

The Proclamation fails to follow the requirements of the Constitution. Article III, Section 5(7) authorizes a governor to convene the General Assembly in “extra session” only “on extraordinary occasions.” The General Assembly is already in session. Your Proclamation is therefore ineffective and functions as an unconstitutional attempt to usurp the General Assembly’s authority to set its calendar.

Article III, Section 5(7) also limits such a session to “extraordinary occasions” in order to ensure that the exercise of the enormous power given to the Governor to call the legislative branch to session is justified. Otherwise, the Governor could violate Article I, Section 6 of the Constitution and use the proclamation power for political abuse and gamesmanship. This power was never meant to be used as a platform for political messaging or to circumvent the legislative process to achieve a preferred political outcome.

To that end, if circumstances surrounding the Medicaid rebase are in fact extraordinary, it is only in the context of your administration’s failure to address them. For instance, the General Assembly recently appropriated an additional \$600 million for Medicaid. Rather than using the full amount for services, you and the DHHS leadership chose to take nearly \$100 million off the top for administrative expenses.

Further, the DHHS consistently reverts money to the General Fund. Last year, the DHHS reverted \$110 million and carried forward \$243 million, including \$166 million from the state’s Medicaid budget. In other words, the amount of unused funds available

to the Department at the end of last year exceeds the amount of the “shortfall” that ostensibly precipitated the Proclamation. The DHHS Secretary publicly acknowledged that the amount the General Assembly provided was sufficient to fund the estimated Medicaid expenses well into the new year. Despite this, the DHHS chose to proceed with these harmful cuts.

Ultimately, your decision to cut reimbursement rates at a time when sufficient funding exists belongs to your administration alone. Calling an extra session and distracting from your decision violates both the letter and the spirit of our Constitution. It is incumbent upon the General Assembly to decline to convene the extra session.

Both chambers of the General Assembly therefore reject your proclamation for an extra session on November 17, 2025, and will not convene.

By copy of this letter, the Principal Clerks of both the House and Senate are directed to make no preparations for an extra session. No calendars shall be issued, and your proclamation shall not be read.

Sincerely,



Phil Berger
President Pro Tempore, NC Senate



Destin Hall
Speaker, NC House

cc: James White, House Principal Clerk
Sarah Holland, Senate Principal Clerk
Paul Coble, Legislative Services Office
The Honorable Rachel Hunt, Lieutenant Governor