

Does North Carolina Have a Citizen Legislature?

by Mike McLaughlin
and Ran Coble

*The new addition to the N.C. Museum of
Natural History looms over the Legislative
Building in the state capital.*



With increasingly long stays in Raleigh, the building on Jones Street could be likened to legislators' primary habitat.

Summary

North Carolina long has prided itself on its citizen legislature. On paper, here's how it works: legislators serve in a part-time body in which most of the members hold other jobs and gather in Raleigh for legislative sessions each year. In odd-numbered years, they are expected to meet from about January to July to make laws and adopt a budget. This is referred to as the "long session" of the General Assembly. Though the constitution speaks of biennial sessions in odd-numbered years, since 1974 the legislature also has come to Raleigh in even-numbered years for what is called the "short session"—usually from May to June or July. The purpose of this session is to make adjustments to the budget and address a limited agenda, as authorized in the adjournment resolution of the previous year.

That's on paper. The reality is something different. In 1989, the General legislature's long session stretched 214 calendar days (from January 11 to August 12), with one extra session on December 7. In 1997, the legislature came close to that record for a long session with 212 calendar days in Raleigh, meeting from January 29 through August 28. Then in 1998, the so-called year of the "short" session, legislators convened for a 172 calendar-day session to adjust the budget—a record for a short session. They had already been called by the governor for a 38-day extra session to adopt a child health insurance program. The 1999 long session lasted a more manageable 176 days, and the legislature adopted a budget before the start of the July 1 fiscal year—a major accomplishment and key to ending the session in a timely fashion. But the fact that a 176-day session was viewed as a notable accomplishment shows just how far the legislature has strayed from its part-time roots.

The long-term trend toward longer and longer legislative sessions has convinced some legislators that steps need to be taken to preserve the citizen, or part-time, legislature through measures such as stronger enforcement of the rules or constitutional limits on the length of legislative sessions. But the term "citizen legislature" means different things to different people, and how one defines the term dictates different approaches to preserving the citizen legislature or to switching to a full-time legislature.

Traditionally, the citizen legislature has meant a part-time legislature, suggesting controlling session length as a means of preserving it. But some see the citizen legislature as one broadly representative of the populace in terms of race, gender, and work experience. It's hard to imagine how to produce such

a legislature short of the lottery system practiced by the ancient Greeks, but higher pay might attract candidates from more walks of life and move the legislature toward a body that is more representative in terms of race and gender. Still others view a citizen legislature as one in which all citizens can afford to serve—which suggests reforms such as public financing of legislative races or higher legislative pay. Finally, there are those who are convinced that North Carolina's population has grown too large, the budget too big, and the affairs of state too complex to entrust the job of making laws and enacting a budget to a part-time body. These lawmakers believe the best answer is to abandon the notion of a part-time legislature in favor of a professional or full-time legislature. Again, higher pay would be part of the equation.

What is a citizen legislature? Does North Carolina have a citizen legislature? Does it matter? Despite a plethora of opinions on the subject, the General Assembly has engaged in too little intentional deliberation about what it should be and how it should get there. As a result, at least five markers indicate that North Carolina is moving toward a full-time legislature. They are: (1) longer sessions; (2) more special sessions to deal with issues that arise when the legislature is out of session; (3) more study commissions convening between sessions; (4) appropriations committees meeting between the two most recent sessions; and (5) special investigative committees taking on a life of their own both during and between sessions. At present, there is decision by drift, with evolution toward a legislature that is increasingly full-time, but with compensation lagging at the part-time level because raising legislative pay is too difficult politically.

North Carolina is home to 40 endangered species—including the red-cockaded woodpecker and, as western N.C. loggers recently learned to their dismay, the Indiana brown bat. To these may soon be added a 41st such species—the citizen legislator. Once commonly dispersed across North Carolina—from the mountains to the Piedmont to the coastal plain, this creature is increasingly confined to a single three-story structure with pyramids on top in Raleigh, N.C.

Mike McLaughlin is editor of North Carolina Insight. Ran Coble is executive director of the North Carolina Center for Public Policy Research.

Indeed, one could liken the building on Jones Street to the citizen legislator's primary habitat. Whereas both the male and female of this species in the not-so-distant past only migrated to Raleigh biennially to pass a few bills and engage in that awkward mating dance known as the adoption of the state budget, today's legislator hardly ever leaves. In 1997—the long session of the General Assembly—state lawmakers remained in Raleigh 212 calendar days—from January 29 to August 28 (See Table 1, p. 8). Legislators receive per diem pay of \$104 on a calendar basis, even though they typically meet three and a half days per week—convening on Monday nights and adjourning for the week by mid-day on Thursdays. This is a change

Session Lengths

Biennium	Legislative days
1965-66	124
1967-68	128
1969-70	145
1971-72	165
1973-74	161
1975-76	127
1977-78	136
1979-80	123
1981-82	158
1983-84	164
1985-86	149
1987-88	163
1989-90	185
1991-92	155
1993-94	177
1995-96	155
1997-98	246

from years past, when the legislature remained in Raleigh all day on Thursdays and met for a half-day on Fridays. The days on which the legislature actually meets are called legislative days, but we report calendar days here since members receive their per diem to apply to living expenses on a calendar basis. In 1998—the even-numbered year referred to in legislative parlance as the “short” session—lawmakers convened for 172 calendar days, from May 11 to October 29. Earlier, at the behest of the governor, the legislature had convened for a 38-calendar-day extra session to enact a new Child Health Insurance Program. So as a practical matter, the legislature met for 210 calendar days in a year that was supposed to feature a short session.

The citizen legislature is defined by some as made up predominantly of people who work at other jobs and serve in the General Assembly part-time. With as much as half the working year consumed by legislative sessions, and many additional days eaten up by other legislative duties—such as answering constituent mail or serving on interim

study commissions—it’s little wonder that many people consider the citizen legislature endangered, or at least threatened.¹

But is a part-time legislature synonymous with a citizen legislature? Does North Carolina have a citizen legislature? Does it matter? These questions become more than philosophical as session lengths draw longer and longer.

What Is a Citizen Legislature?

The term “citizen legislature” means different things to different people. To some, it means a body made up predominantly of people who hold other jobs and consider the legislature to be part-time work. To others, it means a governing body that is representative of the public it represents in terms of race, gender, occupation, and other demographic variables. Still others might consider a citizen legislature to be one in which any citizen can afford to serve. And, some might consider a true citizen legislature to be all of the above.

The citizen legislature in North Carolina *traditionally* has meant citizens who hold other jobs giving part of their year to pass a budget and laws that govern the state. There is a biennial “long session” in odd-numbered years built around passing the state budget but wide open for considering other legislation. And since 1974, North Carolina legislators also have convened for a so-called “short session” to fine-tune the budget and attend to other limited matters. Legislation theoretically is limited to areas authorized in the adjournment resolution from the previous year and typically includes budgetary matters, recommendations from interim study commissions, bills that passed one legislative chamber but not the other in the previous year, and bills important enough that both the House and the Senate agree to suspend the rules through a two-thirds vote of their members. In between come occasional special sessions to deal with other matters the governor or legislature thinks need immediate attention, such as the recent special sessions on redistricting (1991, 1992), crime (1994), child health insurance (1998), and hurricane and flood relief (1999).

Under this scenario, the legislature is a part-time job that provides modest compensation (\$13,951 per year excluding expense allowance and subsistence pay), but the real bread and butter salary is earned back in the home district. The notion is that this gives the average person at least the *opportunity* to serve, although the reality is somewhat different. North Carolina is a large state (543 miles

from Manteo in the northeast to Murphy in the far west) and session lengths have never really suited the average Joe or Josephine with 10 years on the job and three weeks' vacation.

Even in the halcyon days of 1965, the legislature convened for 139 days, so service in the legislature long has required either extreme affluence, extreme flexibility, or extreme sacrifice. That much hasn't changed. But the notion of the General Assembly as a part-time job is getting far-fetched. The 212 calendar day, seven-month session in 1997 (January 29 through August 28) tried legislators' patience with the longest session since a 214-calendar-day behemoth in 1989 (January 11 through August 12, including Fridays, weekends, and other days when the legislature did not meet but legislators received their per diem supplement). Then things got worse. The so-called "short session" in 1998 lasted 172 calendar days (May 11 through October 29). And legislators already had met 38 calendar days (March 24–April 30) for an extra session on uninsured children. That brought

the total for the year to 210 calendar days.

Part of the reason for recent lengthy sessions was split party control between the two chambers. With the state Senate controlled by Democrats and the House in the hands of Republicans, partisan deadlocks over issues such as welfare reform and tax cuts dragged out the sessions. With control of the two chambers in different hands, it's not surprising that issues take longer to resolve. This may be viewed as simply a "price of democracy." However, in 1998, the voters gave control of both the Senate and House to Democrats, so in 1999, House Speaker Jim Black (D-Mecklenburg) vowed that things would be different in terms of session length. Given recent trends, Black's vow was met with skepticism. Nevertheless, Black promised to get the state budget adopted before the start of the next fiscal year and then followed through, all the while holding to a Monday night through Thursday afternoon meeting schedule. In the end, the long session lasted 176 calendar days. The state budget got adopted with bipartisan support, another accomplishment, and in time for the July 1 start of the state fiscal year—the first time that had happened since 1979. But the fact that a 176-day session was viewed as a notable accomplishment shows just how far the legislature has strayed from its part-time roots.

These increasingly long stays in Raleigh for regular legislative business come in addition to legislators' attending more special sessions to deal with problems that arise between sessions, participating in interim study commissions, maintaining a presence in their home districts, and tending to constituent problems that might arise with government. How does that stack up against a full-time job?

An employee with 20 years on the job, four weeks vacation, and 10 paid holidays would log 227 days in the office in the typical year (365 minus 104 weekend days, 20 vacation days, and 10 holidays). By contrast, the legislature convened an average of 184 calendar days during long sessions in the 1990s, excluding any special sessions. That would amount to roughly 26 work weeks, plus 10–15 additional days spent in legislative study commission meetings or other official meetings that

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House Speaker Jim Black (D-Mecklenburg) helped break the trend toward increasing session length with a 176-calendar-day session in 1999 and adoption of the state budget in time for the July 1 start of the fiscal year.

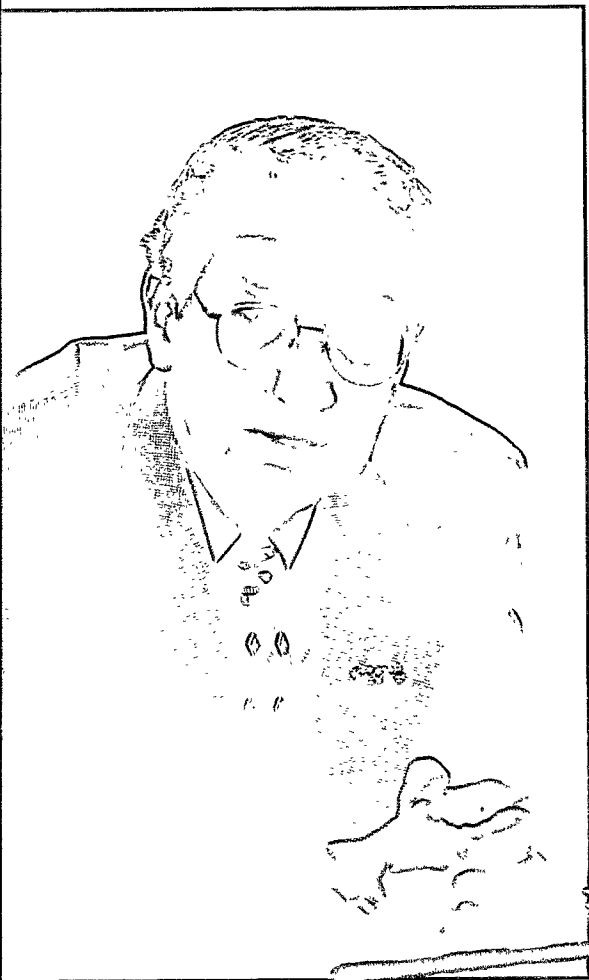


Table 1. Length of Long Legislative Sessions, Short Legislative Sessions, and Extra Legislative Sessions, 1965–99, in Legislative and Calendar Days*

I. Long Sessions	Start and End Dates	Legislative Days	Calendar Days
1965	Feb. 3–June 17	116	136
1967	Feb. 8–July 6	128	149
1969	Jan. 15–July 2	145	169
1971	Jan. 13–July 21	160	190
1973	Jan. 10–May 24	97	135
1975	Jan. 15–June 26	117	163
1977	Jan. 12–July 1	123	170
1979	Jan. 10–June 8	108 (House), 107 (Senate)	150
1981	Jan. 14–July 10	127 (House), 126 (Senate)	178
1983	Jan. 12–July 22	138 (House), 137 (Senate)	192
1985	Feb. 5–July 18	118	164
1987	Feb. 9–Aug. 14	134 (House), 135 (Senate)	187
1989	Jan. 11–Aug. 12	137 (House), 128 (Senate)	214
1991	Jan. 30–July 16	106 (House), 99 (Senate)	168
1993	Jan. 27–July 24	110 (House), 109 (Senate)	179
1995	Jan. 25–July 29	108 (House), 109 (Senate)	186
1997	Jan. 29–Aug. 28	123	212
1999	Jan. 27–July 21	103 (House), 101 (Senate)	176
II. Short Sessions	Start and End Dates	Legislative Days	Calendar Days
1974	Jan. 16–April 13	64	88
1976	May 3–May 14	10	12
1978	May 31–June 16	13	17
1980	June 5–June 25	15	21
1982	June 2–June 23	17 (House), 15 (Senate)	22
1984	June 7–July 7	23 (House), 22 (Senate)	31
1986	June 5–July 16	29 (House), 30 (Senate)	42
1988	June 2–July 12	28	41
1990	May 21–July 28	46 (House), 42 (Senate)	69
1992	May 26–July 25	42 (House), 41 (Senate)	61
1994	May 24–July 17	35	55
1996	May 13–June 21	27 (House), 25 (Senate)	40
1998	May 11–Oct. 29	100 (House), 101 (Senate)	176

Table 1, continued

III. Special/Extra Sessions**

	Start and End Dates	Legislative Days	Calendar Days
1965	Nov. 15–Nov. 17	3	3
1966	Jan. 10–Jan. 14	5	5
1971	Oct. 26–Oct. 30	5	5
1981	Oct. 5–Oct. 5 (Amend adjournment resolution)	1	1
	Oct. 5–Oct. 10***	6	6
	Oct. 29–Oct. 30*** (Redistricting)	2	2
1982	Feb. 9–Feb. 11 (Redistricting)	3	3
	April 26–April 27 (Redistricting)	2	2
1983	Aug. 26–Aug. 26	1	1
1984	March 7–March 8	2	2
1986	Feb. 18–Feb. 18	1	1
1989	Dec. 7–Dec. 7	1	1
1991	Dec. 30–Dec. 30 (Redistricting)	1	1
1992	Jan. 13–Jan. 14 (Redistricting)	2	2
	Jan. 22–Jan. 24 (Redistricting, changes in Employment Security Commission Reserve Fund)	2	2
	Feb. 3–Feb. 3 (Alter 1992 elections timetable)	1	1
1994	Feb. 8–March 26 (Crime)	32 (House), 31 (Senate)	47
1996	Feb. 21–Feb. 21 (Unemployment tax)	1	1
	July 8–Aug. 3 (Budget)	19 (House), 20 (Senate)	27
1998	March 24–April 30 (Uninsured children)	23 (House), 22 (Senate)	38
1999	Dec. 15–Dec. 16 (Hurricane Floyd and flood relief)	2 (House), 2 (Senate)	2

* Legislative days are days the legislature actually meets. Calendar days are the days on the calendar that pass while the legislature is in session. Legislators receive their per diem expense money of \$104 per day on a calendar basis.

** Extra sessions typically are called by the governor to deal with problems or issues that arise while the legislature is out of session and that the governor decides need attention before the next regularly scheduled session. Where indicated by the Office of Legislative Services, the reason for the extra session is provided in this table in parentheses after the start and end dates of each session.

*** While the Oct. 5, 1981, convening of the General Assembly is recorded as an extra session to amend the adjournment resolution, the Oct. 5–Oct. 10 session and the Oct. 29–Oct. 30 session are actually recorded as the second and third regular sessions of 1981.

Source: Office of Legislative Services

bring lawmakers to Raleigh. The remaining chores that come with legislative service must be wedged into the remaining 20–22 weeks of the year: working the home district, serving constituents, and campaigning for re-election every two years. So for all practical purposes, serving in the legislature is not only not a part-time job, it is more than full-time.

Still, plenty of legislators soldier on in the private sector, keeping alive the notion of a citizen legislature in which lawmakers earn money from other work. House Speaker Black, a Matthews optometrist, sees eye patients when the legislature isn't meeting. Senate President Pro Tempore Marc Basnight (D-Dare) operates a coastal area construction business. Rep. Ed McMahan (R-Mecklenburg) until recently served as CEO of a nationally known architectural and development firm. Because of the demands of serving in the General Assembly, he has moved to vice-chairman of the firm. To legislators like these, the fact that they can work and make a living outside government is what distinguishes North Carolina and its citizen legislature from other states with "profes-

Rep. Ed McMahan (R-Mecklenburg) is among those legislators who believe the General Assembly should include a large number of people who hold other jobs.



sional legislatures," such as California, New Jersey, and New York.

Does North Carolina Have a Citizen Legislature?

Karl Kurtz, who tracks state assemblies for the National Conference of State Legislatures, says the North Carolina General Assembly is no longer a part-time citizen legislature. Neither is the state legislature a full-time professional legislature. Instead, he says it's something in between. Kurtz bases his categories on three characteristics: length of session, compensation of legislators, and size of staff.² Kurtz places North Carolina as one of 24 states with legislatures in a hybrid area between citizen and professional. According to Kurtz, a total of 10 states are governed by professional legislatures, and 16 by part-time citizen legislatures. Florida is the only Southern state among the 10 with a professional legislature (See Table 2, p. 11). Ranking highly in state population is the key characteristic shared by the states with professional legislatures, as is having a relatively large operating budget. Of those Kurtz categorizes as part-time legislatures, only Georgia is among the 10 most populous in the nation. Georgia holds to its part-time status through constitutional limits on session length.³ North Carolina ranks 11th among the states in population and ranks 12th in the size of its operating budget. Among the 11 most populous states only North Carolina and Georgia do not have professional legislatures.

1. The Citizen Legislature Defined as a Part-Time Job

Despite Kurtz' characterization of North Carolina, many Tar Heel legislators still cling to the notion of a citizen legislature and scratch and claw to earn a living outside Raleigh. Still, there are clear signs that the citizen legislature—if defined as comprised primarily of persons who work other jobs—is under strain. For example, the number of legislators who have no other job—they are retired—is the fastest growing "occupational" category among N.C. legislators. Statistics maintained by the N.C. Center for Public Policy Research dating back to 1971 on legislators' occupations indicate the number of retired persons serving has increased more than six-fold during a 26-year period, from a low of 6 in 1973 to 38 in 1999.⁴ The number of lawmakers with other occupations that traditionally have provided high numbers of

Table 2. States with Professional, Hybrid, and Part-Time Legislatures, with State Operating Budget Size and Population

State	Legislative Style*	State Operating Budget Size** (in thousands)	Rank	Population***	Rank
Alabama	hybrid	\$ 7,241,270	22	4,351,999	12
Alaska	hybrid	3,309,084	38	614,010	48
Arizona	hybrid	5,480,384	27	4,668,631	21
Arkansas	part-time	4,224,063	32	2,538,303	33
California	professional	45,977,063	1	32,666,550	1
Colorado	hybrid	5,302,956	28	3,970,971	24
Connecticut	hybrid	7,379,375	20	3,274,069	29
Delaware	hybrid	1,935,447	44	743,603	45
Florida	professional	17,817,600	5	14,915,980	4
Georgia	part-time	11,348,238	11	7,642,207	10
Hawaii	hybrid	3,902,225	33	1,193,001	41
Idaho	part-time	1,746,045	45	1,228,684	40
Illinois	professional	17,059,582	6	12,045,326	5
Indiana	part-time	8,140,034	17	5,899,195	14
Iowa	hybrid	4,674,318	30	2,862,447	30
Kansas	hybrid	3,526,523	37	2,629,067	32
Kentucky	hybrid	6,885,246	25	3,936,499	25
Louisiana	hybrid	7,790,851	18	4,368,967	22
Maine	part-time	2,646,772	40	1,244,250	39
Maryland	hybrid	8,524,965	15	5,134,808	19
Massachusetts	professional	12,943,968	10	6,147,132	13
Michigan	professional	15,462,769	7	9,817,242	8
Minnesota	hybrid	7,943,828	16	4,725,419	20
Mississippi	hybrid	4,236,392	31	2,752,092	31
Missouri	hybrid	6,932,243	24	5,438,559	15
Montana	part-time	1,596,989	46	880,453	44
Nebraska	hybrid	2,656,228	39	1,662,719	38
Nevada	part-time	1,982,203	43	1,746,898	36
New Hampshire	part-time	2,007,845	42	1,185,048	42
New Jersey	professional	14,281,256	9	8,115,011	9
New Mexico	part-time	3,754,132	34	1,736,931	37

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Table 2, continued

State	Legislative Style*	State Operating Budget Size** (in thousands)	Rank	Population***	Rank
New York	professional	38,115,857	2	18,175,301	3
North Carolina	hybrid	10,910,123	12	7,546,493	11
North Dakota	part-time	1,415,772	47	638,244	47
Ohio	professional	15,427,292	8	11,209,493	7
Oklahoma	hybrid	4,816,147	29	3,346,713	27
Oregon	hybrid	5,765,526	26	3,281,974	28
Pennsylvania	professional	20,237,663	4	12,001,451	6
Rhode Island	part-time	2,173,040	41	988,480	43
South Carolina	hybrid	7,332,158	21	3,835,962	26
South Dakota	part-time	1,107,435	49	738,171	46
Tennessee	hybrid	7,603,205	19	5,430,621	17
Texas	hybrid	25,788,698	3	19,759,614	2
Utah	part-time	3,574,290	36	2,099,758	34
Vermont	part-time	1,373,997	48	590,883	49
Virginia	hybrid	9,811,241	14	6,791,345	12
Washington	hybrid	10,076,673	13	5,689,263	15
West Virginia	part-time	3,639,386	35	1,811,156	35
Wisconsin	professional	7,133,735	23	5,223,500	18
Wyoming	part-time	836,648	50	480,907	50

* Karl Kurtz, "Extension of Remarks: Understanding the Diversity of American State Legislatures," National Conference of State Legislatures, unpublished document, summer 1992. Table of legislative styles updated Nov. 1, 1996. Kurtz bases categories on pay, staff support, and length of sessions. Kurtz uses the terms "full-time," "in between or hybrid," and "part-time" to describe his categories.

** U.S. Bureau of the Census, 1997 figures

*** U.S. Bureau of the Census, 1998 projections

legislators—including farmers and lawyers—has declined over two decades.

"I think it's still a citizen legislature, but I see it drifting slowly or even more rapidly now away from that," says Sen. David Hoyle (D-Gaston). "There are still a lot of segments of the population serving, but we're precluding a lot of people and their ability to serve." Adds Hoyle, who himself has stepped down from the day-to-day operation of

his real estate development business, "More and more of our legislators are retired, and they don't have anything else to do, so they don't really care how long they stay down there."

In 1971, there were 68 lawyers in the General Assembly. In 1999, there were 37. "You do need a certain number of lawyers because when you're talking about writing laws, their input is valuable," says McMahan, the Charlotte business executive.

Adds Sen. Roy Cooper (D-Nash), "I think having lawyers in the legislature is important, but the problem doesn't extend just to lawyers. There are business people, school teachers, and others who should be serving in the legislature but cannot because of the erratic and lengthy time commitment involved." The state still has a citizen legislature, Cooper says, but it's "under siege."

McMahan also believes the state should preserve the opportunity for its legislators to work at other occupations and serve in the General Assembly part-time. "I firmly believe the way it should operate would be to include a cross-section of citizens—some with full-time jobs. . . . We should continue to be a citizen legislature and not a full-time legislature." The citizen, or part-time legislature provides a "balance of ideas" and "real-life experience in the business world," McMahan says. Thus, citizen legislators are "better able to determine what should be the public policy than those committed to being full-time politicians."

Controlling the length of sessions is one avenue that has been broadly discussed as a means of achieving the objective of restoring legislative ser-

vice to a part-time job. A total of 39 states limit session length in some fashion (See Table 3, p. 14). There are four avenues for limiting session length. They are: (1) amending the state constitution; (2) adopting a state statute; (3) revising House and Senate rules; and (4) adopting indirect limits on session length.

Limit the length of sessions through a constitutional amendment. Sens. Hoyle and Cooper cosponsored a bill in the 1999 session (SB 8) calling for a constitutional amendment to limit session lengths to 135 days for the long session in odd-numbered years and 90 days for the short session in even-numbered years. "I believe constitutional session limits would add more stability and predictability to the process, and this would make it easier for citizens with jobs to serve," says Cooper. "When I leave my law firm to go to Raleigh, I can't tell them when I'm going to return because we have no cutoff."

Neighboring Virginia has constitutional term limits of 90 days for its long session and 60 days for its short session. The state allows prefil-ling of

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Sen. David Hoyle (D-Gaston) believes the state is drifting away from the concept of a citizen legislature, when defined as comprised primarily of people who hold other jobs.



**Table 3. Term Limits, Legislative Session Length Limits,
and Length of Terms by State**

State	Term Limits And Number of Years	Session Length Limits And Where They Reside	Length of House And Senate Terms
Alabama	None	Yes—Constitution	Four years
Alaska	None	Yes—Constitution	Four years Senate, Two years House
Arizona	Yes—eight years	Yes—Rules	Two years
Arkansas	Yes—six years House, eight years Senate	Yes—Constitution	Four years Senate, Two years House
California	Yes—six years House, eight years Senate	Yes—Rules	Four years Senate, Two years House
Colorado	Yes—eight years	Yes—Constitution	Four years Senate, Two years House
Connecticut	None	Yes—Constitution	Two years
Delaware	None	Yes—Constitution	Four years Senate, Two years House
Florida	Yes—eight years	Yes—Constitution	Four years Senate, Two years House
Georgia	None	Yes—Constitution	Two years
Hawaii	None	Yes—Constitution	Four years Senate, Two years House
Idaho	Yes—eight years	None	Two years
Illinois	None	None	Four years Senate,* Two years House
Indiana	None	Yes—Statute	Four years Senate, Two years House
Iowa	None	Yes—Indirect**	Four years Senate, Two years House
Kansas	None	Yes***—Constitution	Four years Senate, Two years House
Kentucky	None	Yes—Constitution	Four years Senate, Two years House
Louisiana	Yes—12 years	Yes—Constitution	Four years
Maine	Yes—eight years	Yes—Statute	Two years
Maryland	None	Yes—Constitution	Four years
Massachusetts	None	Yes—Rules	Two years
Michigan	Yes—six years House, eight years Senate	None	Four years Senate Two years House

Table 3, *continued*

State	Term Limits And Number of Years	Session Length Limits And Where They Reside	Length of House And Senate Terms
Minnesota	None	Yes—Constitution	Four years Senate, Two Years House
Mississippi	None	Yes—Constitution	Four Years
Missouri	Yes—eight years	Yes—Constitution	Four years Senate, Two years House
Montana	Yes—eight years in 16-year period	Yes—Constitution	Four years Senate, Two years House****
Nebraska	None	Yes—Constitution	Four years (Nebraska has a unicameral legislature)
Nevada	Yes—12 years	Yes—Constitution	Four years Senate, Two years House
New Hampshire	None	Yes—Indirect**	Two years
New Jersey	None	None	Four years Senate, Two years House
New Mexico	None	Yes—Constitution	Four years Senate, Two years House
New York	None	None	Two years
North Carolina	None	None	Two years
North Dakota	None	Yes—Constitution	Four years Senate, Two years House
Ohio	Yes—eight years	None	Four years Senate, Two years House
Oklahoma	Yes—12 years	Yes—Constitution	Four years Senate, Two years House
Oregon	Yes—six years House, eight years Senate	None	Four years Senate, Two years House
Pennsylvania	None	None	Four years Senate, Two years House
Rhode Island	None	Yes—Indirect**	Two years
South Carolina	None	Yes—Statute	Four years Senate, Two years House
South Dakota	Yes—eight years	Yes—Constitution	Four years Senate, Two years House
Tennessee	None	Yes—Indirect**	Four years Senate, Two years House

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Table 3, continued

State	Term Limits And Number of Years	Session Length Limits And Where They Reside	Length of House And Senate Terms
Texas	None	Yes—Constitution	Four years Senate, Two years House
Utah	Yes—12 consecutive years	Yes—Constitution	Four years Senate, Two years House
Vermont	None	None	Two years
Virginia	None	Yes—Constitution	Four years Senate, Two years House
Washington	None	Yes—Constitution	Four years Senate, Two years House
West Virginia	None	Yes—Constitution	Four years Senate, Two years House
Wisconsin	None	None	Four years Senate, Two years House
Wyoming	Yes—12 years	Yes—Constitution	Four years Senate, Two years House
Totals:	18 Yes 32 No	39 Yes 11 No	4 Four years 11 Two years 34 Four years Senate, Two years House 1 Unicameral with four-year terms

* The entire Illinois Senate stands for election every 10 years. Senate Districts are divided into three groups. One selects senators for terms of four years, four years, and two years; the second group selects senators for terms of four years, two years, and four years; and the third selects senators for terms of two years, four years, and four years.

** States with indirect limits on session length use the withholding of various forms of expense reimbursement to encourage legislatures to adjourn. In Iowa, for example, legislators do not receive per diem expense payments after 110 days in odd-numbered years and 100 days in even-numbered years. New Hampshire puts the limit on mileage reimbursement. Rhode Island limits legislative compensation and mileage. Tennessee limits expense reimbursement, including travel.

*** Even-numbered years only

**** After each decennial reapportionment in Montana, lots are drawn for half of the senators to serve additional two-year terms. Subsequent elections are for four-year terms.

Sources: For information on legislative term limits and session length limits, see National Conference of State Legislatures website at www.ncsc.org; for length of legislative terms, *Book of the States 1998–99*, Council of State Governments, Lexington, Ky., Table 3.3, p. 68.

legislation, but once the legislature convenes, lawmakers only have four days to submit legislation for drafting. Legislative services is then given seven days to get bills back to lawmakers for introduction. Certain categories of legislation must be introduced the first day the General Assembly convenes, and all legislation must be introduced in the first 13 days of the session. In 1998, nearly half the bills introduced (1,252 of 2,668) were filed on the final of these 13 days—known as cutoff day.

The pattern of legislators rushing to meet short deadlines is typical of the Virginia General Assembly. Yet another deadline crush occurs about two-thirds of the way through the session when bills must pass one chamber or the other to remain alive for consideration. And most legislation is passed during the final week of the session. "It's pretty brutal, but it works," says E.M. Miller, Virginia's director of legislative services.

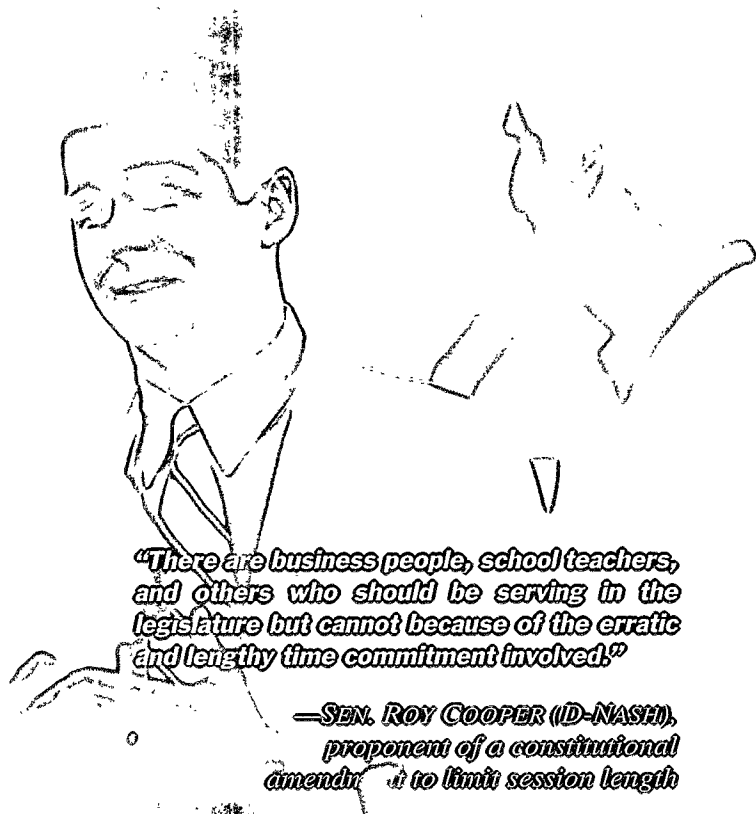
Like Virginia, most states that limit session length do so through their state constitutions (29 of 39). While Cooper and Hoyle believe the Virginia sessions are too short for North Carolina, they also argue that the North Carolina General Assembly could operate well within time constraints that are

somewhat longer. "The legislature seems to operate well on deadlines," notes Cooper.

One example he cites was a federal court's deadline of May 22, 1998, as the date by which the legislature had to complete redrawing congressional districts the court said relied too heavily on race in determining boundaries. "We got it done the day before, even though a lot of people thought that was politically impossible."

Another example Cooper mentions is the special session of the spring of 1998 in which the legislature had to meet a tight deadline in order to qualify for federal matching funds for the Child Health Initiative Program. "We finished it at 11:30 that evening and ran it over to the Governor's Office just before midnight," Cooper says. Still, this special session was expected to last only a few days and lasted 38 instead.

In another example, the General Assembly—in March 1999—scrambled to meet a Wake Superior Court judge's deadline for creating a foundation outlined in a consent decree to receive funds from the state's settlement of a lawsuit with six tobacco companies. Despite fractious debate in the House, the legislature passed the legislation with only a slight time extension from the judge.



Bill Deadlines

These are the deadlines for Senators and Representatives to introduce bills to the General Assembly. Also included is what is referred to as the crossover deadline—the date by which bills other than appropriations or finance bills must be approved by one chamber and received in the other chamber to be eligible for consideration in the first regular session.

	To Bill Drafting	Introduction by	Approval by
Senate	4 p.m.	3 p.m.	One Chamber*
Local	March 24	March 31	April 29
Public	April 7	April 14	April 29
Resolutions**	April 7	April 14	

	To Bill Drafting	Introduction by	Approval by
House***	4 p.m.	3 p.m.	One Chamber*
Study Commissions****	February 24	March 3	April 29
Agency Bills	February 24	March 3	April 29
Local Bills	March 24	March 31	April 29
Appropriations	April 21	April 28	
Finance	May 5	May 12	
Resolutions	None	None	

* This is known as the crossover deadline. To remain eligible, House bills must be approved by the House and received by the Senate by this date, and Senate bills must be approved by the Senate and received by the House. Exceptions are finance and appropriations bills, which are not subject to the deadline.

** Except adjournment resolution and resolutions memorializing deceased people.

*** House deadlines do not apply to bills redistricting Congress, the General Assembly, or local governments, nor to measures ratifying amendments to the United States Constitution.

**** The study commission bill deadline applies to public bills only. Local bills recommended by study commissions fall under local bill deadlines.

Source: N.C. House and Senate Rules

Besides these surprises, the legislature regularly faces deadlines such as the crossover deadline in which a bill must clear one chamber or the other in order to be alive for the next session of the General Assembly (April 29 for the 1999 session, though the date changes from session to session depending on a range of factors). Cooper believes the ultimate deadline—a constitutionally mandated end to the session—would work well by providing a specific time frame for resolving legislative issues.

As it stands, notes Cooper, the leaders of both chambers spend a great deal of time in stalled negotiations that drag out the session length. "It's the 'wait 'em out' strategy," says Cooper. "Who

will fold first? Having no time limits is like an adversarial court case with no judge and no trial date."

The 1999 bill calling for a public vote on a constitutional amendment to limit the length of legislative sessions passed the Senate and currently rests in the House Committee on Rules, Calendar, and Operations, where it remains alive for consideration in the 2000 short session. At least one committee member likes the idea. "I firmly support session limits to enable people with full-time jobs to serve," says McMahan. "If you knew you were going to adjourn at a date certain, you could do better planning."

Putting session limits in the state constitution

would give the time limits a more firm footing than merely passing a law establishing limits on the length of sessions. That's because the General Assembly can supersede term limits established in legislation simply by passing another overriding law. Still, not everyone believes session limits need to be in the state constitution.

Limit session length by statute rather than by constitutional amendment. Another means of limiting session length is to pass a law that actually sets the limits rather than by putting the question to the voters in the form of a constitutional amendment. Such an approach was advocated as early as 1983 by then Sen. Gerry Hancock (D-Durham). Hancock's bill, entitled the "Citizen-Legislature Act of 1983,"⁵ would have limited sessions by statute to 100 days for each biennium, so that if the legislature met for 80 days in odd-numbered years it would be limited to 20 days in even-numbered years.

Of the 39 states that limit session length, three do so by statute. "I'm in favor of session limits," says Sen. Virginia Foxx (R-Watauga). "I'm not in favor of a constitutional amendment." Foxx notes that advocates of a constitutional amendment argue that unless the limits are in the constitution, the limits will be extended when it's convenient for the leadership. "What does that say to the people of

this state?" asks Foxx. "If we can't hold ourselves accountable [to state laws], how can we hold the people of this state accountable? It's such a weak-kneed approach. We're saying, 'Make me do this.'" Short of a constitutional amendment, other steps should be taken to streamline the sessions, Foxx says. These could include allowing prefilings of bills, handling administrative chores such as office and committee assignments before the legislature gets to town, and eliminating Monday night sessions to allow a longer work day. "We don't do anything the first month we're there, and that's bad," Foxx says.

Foxx also believes that changing the way legislators are paid would remove an incentive to stay in Raleigh longer and thus obviate the need for constitutional session-length limits. Currently, legislators receive a per diem of \$104, seven days a week, to cover living expenses while they are in session. Boosting legislative pay (currently \$13,951) and eliminating the per diem would remove an incentive to let the sessions drag on and on, Foxx says. An efficiency study might pinpoint further means of streamlining legislative sessions, she says.

Place session limits in House and Senate rules. Yet another approach to session limits would be to place them in House and Senate rules that are adopted at the beginning of each long



***"It's such a weak-kneed approach.
We're saying, 'Make me do this.'"***

***—SEN. VIRGINIA FOXX (R-WATAUGA),
proponent of limiting session length
by statute rather than a
constitutional amendment***

session. At least three states set limits on legislative session length in their chamber rules. In North Carolina, certain legislative deadlines already are found only in the rules, such as the crossover deadline—the deadline by which a bill must pass one chamber to be alive for consideration in the next session (April 29 in the 1999 session). This is the least restrictive place for session-length limits to reside, as either chamber may suspend its rules by a two-thirds vote of its members, and both chambers occasionally do so. However, it should be noted that the current bill deadlines reside only in the rules and carry some force. “I don’t know of any case where those rules were ignored or suspended this year [in 1999],” says Gerry Cohen, head of legislative bill drafting. While the rules have been suspended in the past to allow post-

deadline bill introductions, those episodes have been infrequent, Cohen says.

Indirect limits on session length. Five states attempt to limit session by putting financial pressure on legislators to leave town. This is accomplished through limits on certain forms of compensation and expense reimbursement. In Iowa, for example, legislators receive per diem expense money for no more than 110 days in odd-numbered years and 100 days in even-numbered years. This provides a strong if indirect incentive to end sessions in a timely fashion. New Hampshire, Rhode Island, and Tennessee also limit expense reimbursement in some fashion once a certain deadline is met. North Carolina lawmakers have occasionally attempted to cut off per diem expense money at a date certain but without success. In the

Defining Moments for Legislators

Regular Sessions: Legislators convene biennially for regular sessions in odd-numbered years, then return in even-numbered years to adjust the budget and attend to a limited agenda. The sessions in odd-numbered years are called *long sessions* and the sessions occurring in even-numbered years are called *short sessions*. Language in the state constitution refers to regular sessions as convening every two years and does not make reference to a short session. However, the legislature has reconvened for a short session every even-numbered year in 1974 and after.

Extra Sessions: Both the legislative leadership and the governor may reconvene the General Assembly to deal with issues that may arise between sessions. This is formally known as an extra session.

Special Sessions: Extra sessions of the General Assembly are sometimes called special sessions, though the state constitution speaks to extra sessions. This may be because the session is called to deal with a special issue identified by the governor, or because the language in the gubernatorial proclamation calling the legislature to the capital uses the term “special.” While the leadership of the General Assembly also has the power to call extra sessions with a two-thirds vote of the members, these sessions typically are called by the governor.

Calendar Days: Calendar days are all of the days on the calendar that pass while the legislature is in session, including weekends, holidays, and weekdays when the General Assembly does not convene. Legislators receive their per diem expense money (currently \$104 per day) each calendar day, even though they don’t meet every day.

Legislative Working Days: Legislative working days are days when the legislature actually meets. During session, the General Assembly typically convenes on Monday night and adjourns for the weekend on Thursday afternoon. This is intended to provide time for travel and for working at their regular jobs.

Interim Study Committees: Study committees meet in the time between sessions to hash out controversial issues or issues that simply require further study. Most studies are included in an omnibus study bill that is adopted during the long session. However, some study committees are created in separate legislation such as the budget bill. Legislators receive their per diem expense money and mileage reimbursement when they travel to the capital to participate in study committees between sessions. Many serve on multiple study committees, but some choose not to serve at all.

1997 long session, two bills were filed to cut off the per diem after July 1—Senate Bill 40, sponsored by Sen. Hamilton Horton (R-Forsyth), and Senate Bill 1176, sponsored by Sen. Beverly Perdue (D-Craven). Neither bill was successful, and the session stretched until August 28.

Yet another theme in the evolution of legislatures nationally is better time management both within and between sessions. For example, almost every state now allows prefilings of legislation (44), though North Carolina is not among them.⁶ Fewer than 10 states allowed the practice 30 years ago. Another development is increasing committee work between sessions. And some legislatures also are limiting the number of bills individual lawmakers can introduce, as former House Speaker Harold Brubaker (R-Randolph) did in North Carolina in 1995–96.

2. The Citizen Legislature Defined as Similar to the State Population in Its Demographic Mix

While some may consider a citizen legislature to be one in which the members hold other jobs, Sen. Foxx takes a different tack. She looks at life experience and such demographic variables as gender and race. To her, a citizen legislature includes a component of being broadly representative of the citizenry. In some ways, she says, the legislature is more representative of the citizenry than it was 20 years ago, when fewer blacks and women served.

Foxx also doesn't mind the rising tide of retirees. At least they have plenty of life and work experience. "Despite the criticism that we have too many retired people, I think we have pretty good balance in terms of professions," she says. In other words, it's not so much whether a legislator works at another job during the session; it's whether he or she has had real-world experience outside the halls of government. Many retirees fit this definition nicely, Foxx notes.

Occupations listed by members of the General Assembly in statistics maintained by the Center reflect a wide range of occupations, though neither a butcher, a baker, nor a candlestick-maker is in the mix. Indeed, the General Assembly is not a mirror image of the state's population. For example, only two of 170 legislators in the 1999–2000 General Assembly indicate they earn their living in manufacturing, while statistics maintained by the Employment Security Commission of North Carolina indicate that nearly a quarter of the state's non-ag-

ricultural work force earns their living in this fashion. Still, there is a mix of vocational experience, including two lawmakers who list their occupation as banking, 54 in business and sales, 10 educators, four employed in health care, and 22 employed in real estate (See Table 4, p. 22).

So the argument can be made that a true citizen legislature would reflect the state's diversity in terms of employment and employment history, gender, and race. However, this is not easily achieved. For example, women represent a majority of the population but only 18 percent of the General Assembly's membership (31 of 170 members). Mill workers or, for that matter, blue-collar workers of any stripe, are largely absent. It's hard to envision how the legislature could be truly representative from a demographic standpoint without a rigid quota system. The ancient Greeks maintained a citizen legislature through a lottery system. This is not what the solons have in mind when they talk about putting the lottery question to a vote of the people, but it is a way to preserve a citizen legislature.

Some legislators question whether proportional representation of demographic groups should even be a consideration. "Such categorization fails to take into account that a banker can be a good conservationist, a retired millionaire can be an advocate for the poor, and so forth," says Sen. Hamilton Horton (R-Forsyth). "One can represent a group without being a member of it. The qualifications of a legislator should be wisdom, ability, and fairness—not membership in a defined class."

Yet another idea that might allow more citizens to serve is a constitutional amendment creating term limits. The state Republican Party included a call for term limits in its 1994 Contract with the People of North Carolina, modeled on the national GOP's Contract with America.⁷ Legislation proposing constitutional amendments to institute term limits failed in the 1995 and 1997 sessions. While term limits could perhaps afford more citizens the opportunity to serve, it should be noted that North Carolina already experiences significant turnover among its legislators. Statistics kept by the N.C. Center for Public Policy Research over a 22-year period (1977–1999) indicate average turnover in each election to be one fifth of Senate seats and about one quarter of House seats.⁸ And with term limits in place, voters would in some cases have one less citizen to choose from when they go to the polling places—the one whose time is up due to term limits.

With time, the hue and cry for term limits⁹

Table 4. Trends in Legislators' Occupations

Occupation	Year and Number of Members per Category														
Senate	1971	1973	1975	1977	1979	1981	1983	1985	1987	1989	1991	1993	1995	1997	1999
Banking	1	1	2	2	2	3	1	2	1	1	1	2	1	1	0
Business/Sales	17	13	14	18	13	20	19	21	19	15	16	12	15	14	15
Construction	1	0	0	0	2	3	3	2	1	4	3	2	2	2	2
Education	1	1	3	5	4	4	4	3	3	3	4	7	5	3	2
Farming	4	3	2	4	3	5	6	6	6	5	6	7	6	7	8
Health Care	1	1	1	1	1	0	0	0	0	0	2	3	3	4	3
Homemaker	0	1	1	0	2	0	4	2	0	1	0	1	2	1	1
Insurance	2	5	5	5	6	7	6	4	4	2	1	2	2	2	1
Law	22	19	15	14	13	10	14	17	21	20	17	18	16	19	19
Manufacturing	2	3	4	2	3	3	3	2	0	0	0	0	0	0	0
Minister	1	1	1	1	1	0	0	0	0	0	0	1	1	0	0
Real Estate	1	2	5	5	7	12	8	8	6	6	6	4	6	7	4
Retired	4	2	2	0	3	4	6	6	4	6	6	8	7	8	10
Self-employed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3

House of Representatives

Banking	3	2	3	3	2	3	3	3	0	0	0	4	2	3	2
Business/ Sales	49	28	35	41	37	43	45	45	43	37	33	34	31	39	39
Construction	2	0	2	2	2	3	1	2	2	3	2	2	5	5	4
Education	6	11	16	16	10	11	10	15	12	7	15	14	14	8	8
Farming	17	14	20	22	22	18	24	16	12	8	11	12	10	8	8
Health Care	0	2	3	3	6	3	5	4	4	4	7	10	5	3	1
Homemaker	1	2	3	4	4	4	4	3	4	4	3	2	1	1	1
Insurance	7	7	12	11	13	10	6	10	10	8	12	9	10	8	9
Law	46	37	36	26	25	26	26	24	23	25	18	21	16	17	18
Legislator	0	0	0	0	0	0	0	0	0	0	0	2	4	3	3
Manufacturing	3	3	1	0	4	2	2	2	0	0	0	0	2	2	2
Minister	3	3	1	1	0	1	3	7	4	4	2	2	2	2	1
Real Estate	6	5	9	7	10	15	19	20	15	17	20	17	13	18	18
Retired	7	4	5	8	6	15	12	13	17	22	28	24	30	23	28
Self-employed	0	0	0	0	0	0	0	0	0	0	0	3	1	5	4

Note: Some legislators list more than one occupation; thus, the total number of occupations may be higher than the actual number of members. ©N.C. Center for Public Policy Research.

seems to have faded, though 18 states currently have them in place (See Table 3, p. 14). Rep. Larry Justus (R-Henderson) voted for term limits as he promised he would in his 1994 campaign, but he no longer supports them. Term limits cede too much power to administrative staff by turning out seasoned legislators, Justus notes. "The bureaucracy, who now run most things anyway, would be tickled to death [with term limits] because you never get your feet on the ground until two-thirds of your term is up."

Yet term limits still retain some support. Rep. Gene Arnold (R-Nash) says term limits would allow more legislators to move into leadership positions by breaking up political cliques that develop over time in the General Assembly and prevent qualified legislators from chairing or even serving on powerful committees. "I think term limits are still a good idea," says Arnold. One possible approach would be to extend legislative terms to four years but allow legislators to serve no more than two terms. Terms could be staggered to prevent losing too much experience at any one time. However, Rep. Ronnie Sutton (D-Robeson) simply says the voters should decide how long legislators should serve with no limit on terms.

3. The Citizen Legislature Defined as a Place Where All Citizens Can Afford To Campaign for Office and Serve

One might also look at the citizen legislature as a place where all citizens can afford to run for office and serve. As Arnold puts it, the term "citizen legislator" suggests that the ordinary Joe or Josephine can serve in the General Assembly. And Arnold says that's not the case. He cites the time demands and constraints on earning a living outside of legislative duties. But another factor that may be putting the legislature out of reach for most North Carolina citizens is escalating campaign costs. The average cost of winning a Senate seat in 1998 was \$110,638, compared to \$36,301 in 1993-94, an increase of 205 percent according to the North Carolina Forum for Research & Economic Education (NCFREE), a research group based in Raleigh. The average campaign cost for winning a House seat was \$49,522 in 1998, up from \$25,551 in 1993-94, an increase of 94 percent.

These costs are magnified by the fact that legislators have to run for office every two years. The financial risk inherent in undertaking a competitive campaign is enough to discourage many people of

average means from seeking office. And one of the primary means of raising campaign kitties and retiring campaign debt—fundraisers tapping lobbyists and Political Action Committees for contributions—may breed public cynicism about the legislative process.

One solution proposed to restore the average citizen's ability to run for the legislature is public financing of legislative campaigns.¹⁰ Among the primary advocates of public financing of legislative campaigns is Bob Hall of Democracy South in Durham, N.C., a research and advocacy organization that looks at the influence of money on state politics.

Hall believes that public financing and higher legislative pay are keys to enabling a broader array of citizens to serve in the General Assembly. The 1999 Clean Elections Act (HB 1402 and SB 882) was co-sponsored by 56 legislators and is eligible for consideration in the 2000 legislative session because it is budget-related. The act would provide legislative candidates public financing if they attracted small donations from a given number of registered voters in their districts. Candidates for the House would have to garner 250 contributions. For the Senate, with its larger districts, the trigger would be 500 contributions. "It does provide an alternative to candidates so they can get out of the money chase," says Hall.

Besides legislative races, candidates for statewide Council of State Offices, lieutenant governor, and governor also would be eligible for public financing if they attracted enough small contributions. Funding would be the average of the amount spent by the two top vote-getters in contested races for a particular office in the two most recent elections. Hall estimates the current cost of the program at about \$14 million, or less than a penny a day per voter.

However, no state in the nation currently provides such a program of public financing of legislative races, and there is some question as to whether public financing of state races could win the support of North Carolina citizens. In voluntary contributions on state income tax forms, contributions for the N.C. Non-game and Endangered Wildlife Fund have far outpaced contributions to political candidates.¹¹ Rep. Sutton expresses the sentiment thusly: "I don't want a tax dollar going to any county in this state to elect a legislator. I'm against that." Other legislators have argued that public financing would lessen the ability of challengers to offset the incumbents' advantage in name recognition and thus would hurt the competi-

tiveness of legislative races. In addition, business interests have opposed efforts to restrict campaign contributions as a constraint on their First Amendment rights.

"Public financing of political campaigns in North Carolina is an idea whose time has not come," says Phil Kirk, president of North Carolina Citizens for Business and Industry. "We have too many legitimate uses of tax money for higher priority issues, such as education, transportation, health care, and justice. This is an issue raised by the anti-business, anti-free enterprise crowd. They want to limit the influence of business people while doing nothing to reduce the unions' influence or [that of] other special-interest groups."

Adds Kirk, "Funds for political campaigns should be given by people who believe in the candidates and particular political parties. We spend more on potato chips in the U.S. than we do on political campaigns. Public financing is a solution for a problem which does not exist."

Another means of cutting the cost of campaigning is four-year terms.¹² Advocates argue that four-year terms would remove some of the pressure to be constantly campaigning and that less frequent campaigns could lower costs. Opponents,

however, contend that legislators might become less responsive to their constituents if they only had to face the voters every four years rather than the current two. Most states (34) have a mix, with two-year terms for House members and four-year terms for members of the Senate (See Table 3, p. 14). Four states have four-year terms for both the House and Senate, and 11 have two-year terms for members of both chambers. Nebraska has a unicameral legislature with four-year terms.

Four-year terms for legislators often get discussed in conjunction with session length limits. The Senate bill calling for a citizen referendum on a constitutional amendment to establish session length limits also includes a separate question on amending the constitution to establish four-year terms for legislators. "We consider that to be a citizen legislature package," says Cooper. "The constant campaign process is also a deterrent [to serving in the General Assembly]. When we're sworn in, we're less than a year away from filing for re-election."

Cooper believes four-year terms would be appropriate for the Senate because of the larger districts senators represent and "maybe for the House." Senate members in single member dis-



"I find it very difficult to believe that a group of 60- and 70-year-olds can sit down and make the proper decision about whether a 16- to 17-year-old should lose his license. They're like 'Duke and Harriet' days, and we're in 'Walker Texas Ranger' days."

*—REP. RONNIE SUTTON
(D-ROBESON)
on the number of
retirees in the
legislature*

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 97

Short Title: Legislator Pay Tied to State Employees.

(Public)

Sponsors: Representatives Sutton, Yongue, Bonner (Primary Sponsors); Barefoot, Bridgeman, Buchanan, Goodwin, Kiser, Saunders, and Wainwright.

Referred to: Appropriations.

February 17, 1999

A BILL TO BE ENTITLED

1 AN ACT TO RESTORE THE STATUTE PROVIDING FOR LEGISLATORS TO
2 RECEIVE THE SAME ACROSS-THE-BOARD PAY INCREASES AS STATE
3 EMPLOYEES BEGINNING WITH THE 2001 SESSION.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 120-3(b) reads as rewritten:

6 "(b) Every other member of the General Assembly shall receive increases in
7 annual salary only to the extent of and in the amounts equal to the average increases
8 received by employees of the State, effective upon convening of the next Regular
9 Session of the General Assembly after enactment of these increased amounts, except
10 ~~no such increase is granted upon the convening of the 1997 Regular Session of the~~
11 ~~General Assembly amounts.~~ Accordingly, upon convening of the 1997 2001 Regular
12 Session of the General Assembly, every other member of the General Assembly shall
13 be paid an annual salary of thirteen thousand nine hundred fifty-one dollars (\$13,951)
14 payable monthly, and an expense allowance of five hundred fifty-nine dollars
15 (\$559.00) per month."

16 Section 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

HOUSE BILL 1060
Committee Substitute Favorable 5/20/99

2

Pay.

(Public)

April 15, 1999

A BILL TO BE ENTITLED
LONGEVITY PAYMENTS FOR MEMBERS OF THE
AND TEMPORARY STAFF OF THE GENERAL

Carolina enacts:

13 is amended by adding a new subsection to read:
General Assembly shall receive as longevity pay an
eight-tenths percent (4.8%) of the annual salary set
monthly after five years of service, nine and six-tenths
service, fourteen and four-tenths percent (14.4%)
is a member of the General Assembly, after 20 years
ive Services Commission shall provide longevity
sembly staff in the same manner as provided for
bly.

14 This act becomes effective upon the convening of
15 of this act becomes effective January 1, 2000.
16 becomes law.

tricts represent 132,649 citizens each, while House members represent less than half as many at an average of 55,270. Of the 34 states that differentiate in term length between House and Senate members, all provide four-year terms for the Senate and two-year terms for the House. Hoyle, however, the principal sponsor of the legislation, says he is more interested in limiting session length and would be willing to let go of four-year terms. "We did it that way to put some debate on the issue, but I would not want session limits not to pass because of people not being happy with four-year terms." Hoyle's concern about citizen support for such a measure may be well placed. North Carolina voters soundly rejected four-year terms for legislators (24 percent for, 76 percent against) when the question was on the ballot in June 1982.

Among the supporters of four-year terms for legislators is North Carolina Citizens for Business and Industry, the statewide chamber of commerce. "NCCBI supports four-year terms for the House

and Senate as a way to reduce campaign costs," says NCCBI President Kirk. "It recognizes the political difficulties in getting this change enacted into law."

4. The Professional Legislature as a Body of Elected Officials Working Full-Time for Adequate Compensation

Yet another means of broadening participation so that a wider variety of citizens could afford to serve would be higher pay. Legislators haven't had a raise since 1994 and raising pay is always politically challenging. Rep. Ronnie Sutton (D-Robeson) could not get a vote on his bill filed in the 1999 session to allow state legislators the same pay raise given to other state employees. "It was not heard and died in session," says Sutton. "There weren't enough people on either side of the aisle who wanted to get into a discussion of a pay raise for legislators. It was too hot an issue." Yet

another bill to raise legislative pay—this one filed by Rep. Monroe Buchanan (R-Mitchell) to grant longevity pay to legislators (House Bill 1060)—also went nowhere fast, despite having 50 co-sponsors. As it stands, it takes a special act of the General Assembly to raise legislative pay, and it's a step nobody seems willing to take, so legislative pay seems stuck in a stalemate.

Meanwhile, legislators such as Sutton, who tries to maintain a law practice in Pembroke, are stuck in a struggle to earn a sufficient living—ergo, the rising tide of retirees mentioned by Sutton and several others. Sutton fears that a legislature that is too old may be out of touch with the times. "I find it very difficult to believe that a group of 60- and 70-year-olds can sit down and make the proper decision about whether a 16- to 17-year-old should lose his license," says Sutton. "They're thinking 'Ozzie and Harriet'

days, and we're in 'Walker Texas Ranger' days."

To Sutton, the notion that North Carolina currently has a citizen legislature is wishful thinking. That's because he envisions a citizen legislature as one in which every citizen can take the opportunity to serve if elected. That currently is not the case due to long hours and low pay, Sutton says. "It is an absolute myth that every citizen can become a legislator," says Sutton.

Rep. Larry Justus (R-Henderson) agrees with that assessment. "I think it's a charade to call us a citizen legislature," says Justus. "I'm one of those people who favor a full-time legislature. North Carolina is too big both in population and the budget we spend not to have continual oversight over that budget."

Although Justus acknowledges that many people would consider the current legislature to be a citizen legislature, he says the job demands "full-

Current Pay for Rank-and-File Legislators

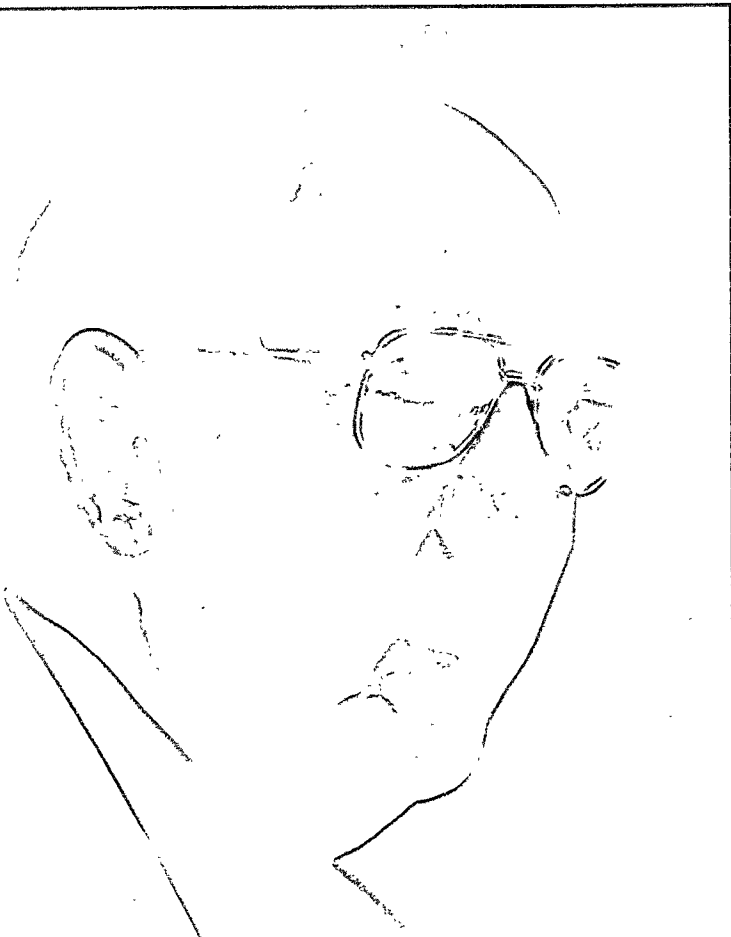
Members of the North Carolina General Assembly draw their compensation from several different sources. These are: salary, *\$13,951 per year*; subsistence pay, *\$104 per calendar day* when the legislature is in session or when legislators are on official legislative business; expense allowance, *\$6,708 per year*; and mileage reimbursement, *29 cents per mile*.

One way to look at reimbursement for legislative service is to combine salary, subsistence pay, and expense money for a given year. A caveat is that subsistence pay and expense money generally go to cover real costs of serving in the legislature. For lawmakers who do not live close enough to Raleigh to commute on a daily basis, there is the cost of living in Raleigh while maintaining a residence in the home district. This consumes the subsistence pay. More active legislators usually will draw more subsistence pay because they are carrying out official legislative duties that occur when the General Assembly is out of session—such as participating in legislative study committees. And expense money, which like the per diem subsistence pay is counted as income by the Internal Revenue

Service, is often used to communicate with constituents or provide other constituent services.

In 1997, the latest session year for which figures have been compiled, the highest paid rank-and-file legislators in the Senate were Sen. Fountain Odom (D-Mecklenburg) and Sen. Bob Martin (D-Pitt), at \$45,411, including salary, expense allowance, and per diem supplement. In the House, the highest paid rank-and-file member was Rep. Michael Decker (R-Forsyth) at \$46,555. The figures were driven higher in part by the length of session, which—at 212 days—was the longest on record. That's because legislators receive their per diem supplement of \$104 per day every calendar day that the legislature is in session. An average length long session in the 1990s totaled 184 days, which would have produced nearly \$3,000 less in per diem supplements than did the 1997 session. Legislators have not granted themselves a pay raise since the 1994 session, when they raised legislative salaries across the board and added the expense allowance to the base upon which legislative pension benefits are calculated. The salary increase took effect in 1995.

—Mike McLaughlin



Current legislative duties demand "full-time work for part-time pay."

***—REP. LARRY JUSTUS (R-HENDERSON)
on compensation and service
in the General Assembly***

time work for part-time pay," adding, "That limits the type of legislature you can have." Justus contends that the current General Assembly is tilted toward "the independently wealthy, those subsidized by law firms or insurance companies, or something like that, and retirees like myself."

Rank and file legislators receive a salary of \$13,951 annually, a figure that has not increased since 1994. Added to this is an expense allowance of \$6,708, plus subsistence pay of \$104 per day, seven days a week when the legislature is in session, and travel expense reimbursement at 29 cents per mile. Long sessions have averaged 184 calendar days during the 1990s. At current compensation rates, legislators would have drawn \$33,087 in salary and subsistence pay for an average-length

long session of 184 calendar days, plus mileage reimbursement for one round trip to Raleigh each week.

In addition, legislators receive their per diem subsistence pay and mileage reimbursement for any study commission meetings they attend when the legislature is out of session. Many legislators serve on multiple study commissions. For example, Sen. Fletcher Hartsell (R-Cabarrus) has served on as many as a dozen study commissions in a given year. Legislators do not have to account for how they spend the subsistence pay, nor do they have to account for a \$6,708 per year expense allowance. Both are considered income by the Internal Revenue Service and taxed as such. However, there is a great deal of expense involved in serving in the legislature—particularly for those lawmakers who live too far from Raleigh for the daily commute. Pay for legislative service is clearly part-time.

Sutton believes legislative pay currently is inadequate to attract a broad cross section of the citizenry into legislative service. He believes the compensation should be about \$50,000 with adequate expense money to cover room and board in Raleigh. Sutton predicts that kind of pay would produce a different kind of General Assembly. "You'd get younger members—progressive, thinking members, and the legislation leaving Raleigh

would be much better."

Statistics maintained by the N.C. Center for Public Policy Research do indicate that the make-up of the General Assembly is changing. The number of legislators engaged in farming, for example, has dropped from 30 in 1983 to 16 in 1999.¹³ This is in part due to the fact that North Carolina is shifting from a predominantly rural, agricultural state to one more urban or suburban in character. But that doesn't explain the fact that the number of educators is down by more than half—from 21 in 1977 to 10 in 1999, or the steady, upward trek in the number of retirees. Rep. Richard Moore (D-Cabarrus), for example, had to switch from a job in the classroom to one in the superintendent's office in 1998, when the session extended into the school year and

adjourned on October 29. Moore has since resigned from teaching.

Such drawn out sessions are fueling the call for strict deadlines and session-length limits to be set in the constitution, but Justus and Sutton disagree. Far from thinking that deadlines help, Justus believes the worst laws get rushed onto the books when cutoff dates are looming. Session limits would exacerbate the problem, Justus says. "What's going to happen is, everything the majority party wants is going to be crowded into the last few days," says Justus. "You'll get bad legislation, and good legislation will be left on the table."

Justus envisions a professional model in which legislators meet in a continuous cycle of four- to six-week sessions and four- to six-week breaks to catch up on office work and provide constituent services. While he knows of no other state that operates on such a plan, Justus says this would both improve the legislative process and spread the workload more efficiently. "You wouldn't have all these silly, arbitrary deadlines that are used to kill good legislation and pass some poor legislation," says Justus. As deadlines approach, Justus notes, niceties like reading legislation before you vote sometimes get tossed out the window. "It hasn't been too long since we had our 25½ hour, round-the-clock session, and you know people didn't know what they were voting for," says Justus, "and there were walking zombies on both sides."

Moving to a professional legislature, Justus says, would cost "very little. The only additional cost is the secretaries and a little extra per diem for the [legislators]." As it stands, Justus says North Carolina operates one of the least expensive legislatures in the nation and should probably be spending more to ensure the state has a General Assembly that is representative of its citizenry. Indeed, North Carolina ranks 47th in the nation in per capita spending on its legislature, according to data provided by the National Conference of State Legislatures. The state spent \$3.15 per citizen in 1997, the latest year for which figures are available, above only Ohio, at \$2.78; Tennessee, at \$2.77, and Georgia at \$2.46. "If we really want to do a good job, we're going to have to start paying the General Assembly a good salary," says Justus. "John Q. Public—no matter how well qualified he is—is too busy earning a living to go to Raleigh and do the people's business."

Sutton stops short of using the term "professional" to describe his vision of the legislature. He would raise pay to something resembling full-time and let the sessions run to six to seven months per

year, as they are wont to do. Sutton also would remove the filing deadlines that currently exist. These, he maintains, create artificial bottlenecks and lead to wasted time that could be spent on substantive legislation. "I would rather see longer sessions but have the rules changed to accommodate those longer sessions," notes Sutton. Like Justus, Sutton points to the crush of bills that get forced through the legislature to meet crossover deadlines, often with no time to study them and cast an informed vote. "It's asinine, in my opinion," says Sutton. "We spend one third of our time redoing last year's legislation." Once the deadline passes, new legislation is severely constrained, but the session drags on over three or four issues that rank-and-file legislators can do little about, Sutton says.

Conclusion

While North Carolina has prided itself on its "citizen," or part-time legislature, there is a growing consensus that the General Assembly cannot continue to meet 200-plus days a year and still claim that title. Yet time commitment and workload to the contrary, most of the discussion has been around preserving a citizen legislature rather than continuing to evolve toward a full-time legislature. As Hoyle puts it, "The people don't want us in Raleigh that long." Controlling the length of sessions may be one way to preserve a citizen legislature if that is desirable. Advocates believe it would at least slow the evolution toward a full-time or professional legislature. Other ideas such as an efficiency study or new ways of structuring legislative salary may also be worth exploring if the goal is preservation of the citizen or "part-time" legislature. "Otherwise," notes McMahan, "retired people, people with no full-time employment, and people who do not need to work are going to be members of the General Assembly."

A number of lawmakers see danger in this trend, and the potential for the average North Carolina citizen to get left behind. Hoyle believes that much of what is good about the state and its government flows from a tradition of part-time citizen service in the legislature. "It's part of our heritage and tradition we've had in North Carolina. It's served us really well, and we have a great state. One of the reasons is, we have a true citizen legislature."

But does North Carolina indeed have a "citizen" legislature? It depends on how one defines it. In the sense of a significant number of legislators holding down other jobs, the answer may be


yes, though more and more retirees are serving in the legislature, and three are even listing their occupation as legislator. If one considers a citizen legislature to be a cross-section of the citizenry in terms of occupations, income, and other demographic variables such as gender and race, the answer clearly is no. The legislature is whiter, more male, and certainly more affluent than the population as a whole. As for a legislature in which all citizens can afford to serve, that is less and less the case as campaign costs continue to soar and legislative pay stagnates, strengthening the claim of part-time pay for full-time work.

At least five markers indicate North Carolina is drifting toward a full-time legislature. These are: (1) longer sessions; (2) more special sessions to deal with issues that arise when the General Assembly is out of session; (3) more study commissions convening between sessions; (4) appropriations committees meeting between the two most recent sessions; and (5) special investigative committees such as recent probes into education and possible corruption in the Department of Transportation taking a life of their own both during and between sessions. At present, there is decision by drift, with a march toward full-time work but not full-time pay because the legislature does not want to make a decision one way or the other.

Thus, the case for decline of the citizen legislature is a strong one. What to do to preserve the citizen legislature, and even whether to preserve it, depends on how one defines the term "citizen legislature." If it's a part-time legislature in which members work other jobs, the answer may be limits on session length. If the citizen legislature means a legislature representative of the citizenry, the answer may be higher pay. If a citizen legislature means one in which all citizens can afford to serve, then public financing of legislative campaigns may be part of the answer. Again, higher pay that recognizes full-time work might also enable more people to serve, though absent public finance, the extra pay and benefits could bid campaign costs even higher.

It may be that few legislators would go so far as to label the citizen legislature a myth or a charade. More legislators likely would subscribe to a characterization of the citizen legislator as endangered but not extinct—or in the middle ground described by Kurtz of the National Conference of State Legislatures. And there are those who wish to preserve this species for posterity.

But addressing preservation of a citizen legislature is a three-step process involving: (1) agree-

ing on what a citizen legislature is; (2) deciding whether the citizen legislature is worth preserving, and; (3) determining what it would take to preserve it. Until the legislature comes to agreement on these three questions, it will be stuck in the middle—drifting toward full-time status, but with pay, benefits, and staff support lagging at the part-time level. That will serve neither the North Carolina citizens nor the members of the General Assembly well. A better course would be to engage in some intentional decisionmaking about what the institution should be and then to set about reshaping it. 

FOOTNOTES

¹ For a previous discussion of the disappearing citizen legislator, see Chuck Alston, "In the Legislature: The Citizen Legislature—Fact or Fable?" *North Carolina Insight*, North Carolina Center for Public Policy Research, Raleigh, N.C., Vol. 8, No. 2 (November 1985), pp. 50–52.

² Karl Kurtz, "Understanding the Diversity of American State Legislatures, Extension of Remarks," National Conference of State Legislatures, Summer 1992, p. 1. Table categorizing legislatures updated Nov. 1, 1996.

³ *Ibid.*, p. 3.

⁴ Statistics on legislators' occupations are taken from Carolyn A. Waller, *Article II: A Guide to the 1999–2000 Legislature*, North Carolina Center for Public Policy Research, Raleigh, N.C., March 1999, p. 213. Statistics prior to 1979 are taken from Lori Ann Harris and Marianne M. Kersey, *Article II: A Guide to the 1987–88 N.C. Legislature*, N.C. Center for Public Policy Research, April 1987, p. 216. Additional information is taken from "Length of Sessions Affects Demographics of Legislature, Says Policy Center," a news release by the N.C. Center for Public Policy Research distributed April 1, 1999, pp. 1–2.

⁵ Senate Bill 406 of the 1983 session.

⁶ William T. Pound, "Legislatures: Our Dynamic Institutions," *State Legislatures*, National Conference of State Legislatures, Denver, CO, January 1993, p. 22.

⁷ Danny Lineberry, "In the Legislature: The 1995 Legislature in Retrospect—Republican Lawmakers Work to Deliver on Their Contract," *North Carolina Insight*, Vol. 16, No. 3 (May 1996), pp. 102–118.

⁸ Carolyn A. Waller, *Article II: A Guide to the 1999–2000 N.C. Legislature*, note 4 above, p. 212. Averages calculated by the authors.

⁹ For more on the pros and cons of term limits for elected officials, see "Term Limits: Needed Reform? Or Populist Ploy?" *North Carolina Focus*, N.C. Center for Public Policy Research, Raleigh, N.C., 1996, pp. 195–197. Article reprinted from the December/January 1996 edition of *Campaigns & Elections* magazine, Washington, D.C., by permission in accordance with their reprint policies.

¹⁰ For more on this topic, see Ann McColl and Lori Ann Harris, *Public Financing of State Political Campaigns: How Well Does It Work?* North Carolina Center for Public Policy Research, Raleigh, N.C., 1990, pp. 7–40.

¹¹ *Ibid.*

¹² For more on the pros and cons of four-year terms for legislators, see the pro-con discussion "Four-Year Terms for Legislators?" *North Carolina Focus*, North Carolina Center for Public Policy Research, Raleigh, N.C., pp. 199–208.