



Three Key Trends Shaping the General Assembly Since 1971

by Ran Coble

This regular Insight feature focuses on the makeup and process of the N.C. General Assembly and how they affect policymaking. This column examines how internal changes in process since 1971 have transformed lawmaking in North Carolina.

For generations of legislators in the 19th and 20th centuries, lawmaking remained much the same as it always had—enduring even after the General Assembly pulled up stakes from its old digs in the 1840 State Capitol and moved down the street to the modernistic Legislative Building in 1963. But fundamental change in the way the legislature goes about its business finally began eight years later in 1971 and 1972. In that two-year period, three key events occurred that changed the face of the legislature in North Carolina and of many other legislatures across the country as well.

The first key event was redistricting. The 1971 session of the legislature was the first session in which redistricting made a real impact in North Carolina. Redistricting transformed the assembly from a rural to a more urban body and eventually changed legislative demographics, attracting a new breed of urban professional to the legislature. The second key event was the release of a national ranking and evaluation of the legislature by the Citizens Conference on State Legislatures in August 1971 that branded North Carolina's General Assembly as the fourth worst legislature in the country. That report eventually led to the addition of staffing for the General Assembly and to the increasing independence of the legislature from information that once came solely from the execu-

tive branch. And the third key event was the election in 1972 of the state's first Republican governor in the 20th century. This led to further changes in legislative demographics because it strengthened the Republican party and brought about changes in the state budget process.

Redistricting and The Law of Unintended Consequences

When the U.S. Supreme Court issued its famous "one person, one vote" decisions in 1962 and 1964,¹ it set off waves of redistricting across the country. By 1966, every legislature in the country had reapportioned in line with that principle, which required equal representation of geographic areas based on population. But it was not until much later that redistricting had its greatest effect in North Carolina—during the 1971 session, after the 1970 census was released. That census showed how markedly the state's population had shifted from rural to urban areas. In order to comply with the court decisions, the 1971 redistricting had to reflect that shift.

All of a sudden, there were more legislative seats available for cities and fewer for the farmlands. This had an undeniable effect on political elections as well as local referendums and bills in

Ran Coble, executive director of the N.C. Center for Public Policy Research, served on the staff of the General Assembly's Fiscal Research Division in 1971-72. This column is based on a speech the author presented to N.C. members of the Public Affairs Council, a group of corporations and associations, on March 2, 1987.

the legislature. For example, after that shift occurred, it was only a matter of time before the urban legislators favoring liquor-by-the-drink legislation were able to form the majority coalition needed to pass such a bill—as it finally did in 1978.² With this dramatic shift toward increasing numbers of urban legislators came speculation that there would also be a shift in *power*—particularly a question whether the key positions of power, such as the Speakership and the Appropriations Committee chairmanships, would pass to urban legislators.

That didn't happen. Instead, the Law of Unintended Consequences struck. Rather than automatically shifting legislative power to urban areas, redistricting caused increased competition for legislative seats in urban areas, which also meant increased biennial turnover among the city legislators. By contrast, lawmakers from rural areas faced less competition locally, often running unopposed, and thus they were—and to this day still are—able to build up the seniority needed to become chairman of an important legislative committee or become Speaker of the House. Just to illustrate the point, the Center's latest biennial rankings of legislative effectiveness show that the top three House members and three of the top seven Senate members are from rural districts.³

Leadership in the House is predominantly rural, from the Speaker down through the appropriations committee chairmen. Eight of those 10 chairmen come from rural districts. In the Senate, there's more of an urban cast, but not much more. The president pro tem is rural; his deputy is urban. The chairman of the appropriations committee is rural, but the base budget chairman is urban. The subcommittee chairmen are about evenly split between urban and rural—but the fact is that even where urban legislators are in power, they come not from the four largest urban areas of Charlotte, Raleigh, Greensboro and Winston-Salem, but from middle-sized cities such as Asheville, Durham, or Fayetteville.

Redistricting—particularly the single member districts created in the 1980s—also produced more counties with split delegations, containing both Democrats and Republicans. Thus, though Mecklenburg, Forsyth and Guilford counties saw increases in the total number of legislators they could send to the General Assembly, the split delegations from those counties often couldn't agree on many statewide issues and policies (and sometimes, incredibly, even on local issues), thereby ceding the power to decide these issues back to rural legislators. It is likely that higher turnover

rates in urban districts will continue—and thus power will remain concentrated in legislators from rural areas.

A Report by the Citizens Conference on State Legislatures

Redistricting had shaken the foundations of the legislature, but no sooner had the dust began to settle than another earthquake hit. This tremor came in the form of a report by the Citizens Conference on State Legislatures in August 1971 declaring that North Carolina had the fourth-worst legislature in the country. The Citizens Conference evaluated and ranked all 50 state legislatures and published its findings in a book called *The Sometime Governments*. With forceful language and exhaustive research, the report brought renewed pressure to reform on most legislatures. North Carolina's legislature ranked 47th in the country, and one of the reasons was its inability to compete with the executive branch. To remedy the state's shortcomings, the report recommended that the legislature be "completely staffed with bill drafters, fiscal specialists and [research] specialists"; that "all committees have permanent, full-time staff as soon as possible"; that an "electric roll-call recorder be installed" to enhance accountability on voting; that the system of rotating leadership where the Speaker of the House was limited to one term be discontinued; and that committee meetings be opened to the public.⁴

Legislators reacted strongly to their low rankings. Members thought they were fairly independent of the executive branch already because North Carolina was the *only* state in the country to deny the governor a veto. At first there was little sentiment for adopting these recommendations. Yet, quietly but surely, over the next few sessions, many of them were implemented.

The recommendation to add staff came first. The legislature had already created the Fiscal Research Division in 1971. The Fiscal Research Division staffs the money committees—the Finance Committees, which decide where the revenue will come from, and the Appropriations Committees, which decide where the money will go. Before Fiscal Research was established, the legislature had relied on the Governor's Budget Office for information about the budget. Following the creation of the Fiscal Research Division, the General Research Division was established to staff the committees dealing with "other-than-money" matters—subjects like education, aging, and transportation. Before, the Institute of Government at UNC-CH had

staffed these committees.⁵ Next, the Bill Drafting Division was set up, thereby replacing the Attorney General's staff which had previously drafted most bills. Finally, the Automated Systems Division, providing and servicing the legislature's sophisticated computer system, was established.

With new staff came better accountability and new leadership patterns. An electronic voting apparatus was installed in 1975, and Rep. Carl Stewart (D-Gaston) became the first full-two-term Speaker in 1977 and 1979. He was also instrumental in opening up the legislative committee process and passing an Open Meetings Law affecting *all* governmental bodies in North Carolina.

Because the legislature has its own staff, this session it is breaking with the past to draft its own budget. For the first time, instead of taking the Governor's recommended budget, the General Assembly is building its own by beginning with the expenditure figures of executive agencies in the past year (i.e., the certified budget). In this way, the legislature will develop its own spending priorities and come up with a new budget that will reflect those priorities. The legislature could not have done this in the days before it had its own staff.

Another possible effect of this new staff is a reduction in the number of bills passed. In 1957, 76% of all bills *introduced* were *passed*. Since 1971, however, the legislature has passed only about 40 to 50 percent of the bills introduced each session (see table).

The Election of a Republican Governor

By far the most significant of the three key trends was the election of James T. Holshouser in 1972 as the state's first Republican Governor since early in the 20th century. Holshouser took office in 1973, and the General Assembly immediately switched from biennial sessions to meeting annually. This shift to annual sessions is consistent with national trends. In 1941, only four state legislatures met annually. Now all but seven do.⁶ The presence of a Republican Governor also was a factor in prodding the legislature to hire its own staff, especially to review the state budget. Soon, fundamental changes in the budget process began to take place.

The debate continues as to whether annual sessions were a direct result of electing a Republican Governor. Obviously, the budget was already getting more and more complex, and the federal government was forcing new responsibilities on the states with Revenue Sharing and Medicaid program

administration, just to mention two programs. In addition, the economic instability permeating the nation in late 1973 and 1974, due to the Arab oil crisis, made legislators leery of adopting a two-year budget in 1973 when they did not know what the economic climate in 1974 might be. They decided to meet again in 1974 to review the budget and make necessary revisions. But applying the rule that "If it walks like a duck and quacks like a duck, it's a duck," the fact remains that the state inaugurated a Republican Governor in 1973 and the legislature inaugurated annual sessions the next year in 1974.

The conventional wisdom among mavens of the legislature is that sessions have gotten longer here since 1971. That's wrong, at least for *regular* sessions of the legislature. In *odd*-numbered years, the number of legislative working days has been fairly constant since 1967. There were 126 working days in 1967, 123 in 1977, and 118 in 1985. North Carolina is one of 12 states that has no statutory or constitutional limit on the length of legislative sessions. However, the *short* sessions in the *even* years do increase the length of legislative sessions. The longest "short" session was the 64-day session in 1974; it dropped to 10 days in 1976 and gradually grew to 29 days in 1986. Perhaps the amount of time spent on legislative study committees between sessions and other interim activity have also increased.

The Law of Unintended Consequences applies here, too. When the legislature began meeting more frequently, the demographics of the legislature changed. In 1971, there were 68 lawyers in the legislature. Now there are but 44. There also are more women, more blacks, more Republicans, more retirees, more educators (many of them retired) and more members who describe their occupations as real estate.⁷ What's more, from 1971 to 1985, the legislative turnover rate remained fairly constant, about 36 percent. But in 1987, the turnover rate dropped dramatically, to 19 percent (12 percent in the Senate, 21 percent in the House), tracking a national decline in legislative turnover.⁸

To counteract the presence of first a Republican Governor in 1973 and later a governor with the power to succeed himself, the legislative leaders began serving multiple terms themselves. Carl Stewart was succeeded by Liston Ramsey (now in his fourth two-year term as Speaker) in 1981. The first Lieutenant Governor to succeed himself (and serve a second, four-year term as president of the Senate) was Jimmy Green, first elected in 1976 and re-elected in 1980.

Perhaps the most important reactions to the

Trends in Length of N.C. Legislative Sessions, Bills Introduced, and Percent of Bills Passed

Year	Number of Working Legislative Days			Total Bills		Percentage of Bills Ratified	
	Long Sessions in Odd Years	Short Session in Even Years	Totals	Introduced	Ratified	Per session	Cumulative
1957	109			1986		76%	
1967	126			2184		62.3%	
1971	141			2622		53.4%	
1973	97		] 161	2317	826	35.6%	] 40.0%
1974		64		1384	656	47.3%	
1975	117		] 127	2236	975	43.6%	] 42.5%
1976		10		76	8	10.5%	
1977	123		] 136	2451	1131	46.1%	] 47.6%
1978		13		275	167	60.7%	
1979	108		] 123	2480	1077	43.4%	] 46.2%
1980		15		402	255	63.4%	
1981	127		] 143	2156	1048	48.6%	] 53.0%
1982		16		329	270	82.0%	
1983	138		] 161	2177	992	45.6%	] 45.7%
1984		23		525	243	46.2%	
1985	118		] 147	2278	793	36.8%	] 29.9%
1986		29		1170	239	22.7%	

Source: Compiled from various tables in the UNC-CH Institute of Government's summaries of legislation, published annually since 1934, entitled, for example, *North Carolina Legislation 1985*; and Senate Clerk's office records.

Note: Number of bills introduced includes House and Senate bills and resolutions. Number of bills ratified includes only ratified session laws.

first Republican Governor, however, were the changes in the budget process—forces that are still at work today. The budget now is much more a *legislative* budget than it was in 1969. The budget *proposed* at the start of the session used to be a joint effort—arrived at through a consensus reached by the Governor and the eight to 10 legislators who served on the Advisory Budget Commission. The Governor and Advisory Budget Commission used to submit a budget *together* to the General Assembly, thereby raising questions whether the constitutional power vested in the governor regarding the *preparation* of the budget was being undermined by the involvement of legislators so early in the process. Obviously, it made the budget pass smoothly through the legislature, but the N.C. Supreme Court said that wasn't what the constitutional framers intended.⁹ Instead, the Court said the legislature independently should review the budget that was submitted by the governor. In the future, Advisory Budget Commission opinions on what items to propose in the budget would be purely advisory and not the final word. This session, for the first time since 1925 when the Advisory Budget Commission was created, the legislature seems to be drafting its own budget.

In reacting to a Republican Governor, the General Assembly also made two other changes in the budget process—one using an old tool in a new way and the other inventing a new tool. The old tool was pork barrel money, and the new tool was special provisions in budget bills.¹⁰ Both these tools have been abused in the budget process, but promised reforms by the Lieutenant Governor and the Speaker may halt these problems and help restore public confidence in the budget process.

Not to be overlooked in any discussion of legislative changes is the dramatic effect that gubernatorial succession has had. When succession passed the General Assembly in 1977 and was adopted by voters that fall, it affected far more than the Executive Mansion. It meant that the Lieutenant Governor—then James C. Green—could not run effectively for governor, so he sought reelection in 1980, won, and stayed in charge of the Senate. That meant no one moved up, and the committee chairmen stayed about the same. House Speaker Carl Stewart, who already had made history with a second term, tried to buck the odds and ran for Lieutenant Governor, but lost to Green in the Democratic primary. Still, his two-term speakership, and the four-term speakership of Stewart's successor, Liston Ramsey, have effectively cut off the means for the House to produce new leaders—at least as it did prior to 1977. "In effect,

what that amendment did was have even greater impact on the legislature than on the executive side," says Thad Beyle, professor of political science at UNC-Chapel Hill. "Leadership has become set, ambition ladders clogged up, and a relatively few run the show. How many good or potentially good legislators have bailed out due to a lack of upward mobility?" he adds.

All these changes have come about during a relatively brief period—in less than a quarter-century—yet they have transformed the N.C. General Assembly into a modern and more efficient legislative body. In terms of professional staffing, in the use of sophisticated equipment, and in terms of openness, the legislature has made great strides—and has become more independent of and more an equal to the executive branch. □□

FOOTNOTES

¹*Baker v. Carr*, 369 U.S. 186 (1962); *Reynolds v. Sims*, 377 U.S. 533 (1964). In 1960, the urban/rural population split was 39.5 percent urban, 60.5 percent rural; in 1970, it was 45.5 urban, 54.5 rural; in 1980 it was 48 percent urban, 52 percent rural.

²Chapter 1138 of the 1977 Session Laws (2nd Session, 1978). The 1978 legislature passed such legislation despite a 1973 statewide referendum vote against liquor-by-the-drink.

³*Article II: A Guide to the 1987-88 N.C. Legislature*, N.C. Center for Public Policy Research, April 1987, pp. 200-214. The top three House members in effectiveness were from the rural counties of Madison (Speaker Liston Ramsey), Granville (Rep. William T. Watkins) and Harnett (Rep. Bobby Etheridge). Three of the top seven Senators in effectiveness were from the rural counties of Union (Sen. Aaron Plyler), Lenoir (Sen. Harold Hardison), and Bertie (Sen. J.J. Harrington).

⁴John Burns, *The Sometime Governments*, Citizens Conference on State Legislatures, (Bantam Books: New York, N.Y.) 1971, pp. 274-276.

⁵Milton Heath of the Institute of Government reports that the IOG began to provide staff services to the General Assembly in 1967 and 1969, mostly on local government issues. The IOG's workload at the legislature grew through the 1970s and began to taper off during the 1981 and 1983 sessions.

⁶"The State Legislatures," by William T. Pound, *The Book of the States, 1986-87 Edition*, The Council of State Governments, Lexington, Ky., 1986, pp. 76-144.

⁷"Legislative Demographics: Where Have All the Lawyers Gone?" by Paul T. O'Connor, *North Carolina Insight*, Vol. 9, No. 2, September 1986, p. 44, and 1987-88 *Article II*, pp. 215-216. See note 3 above.

⁸Lucinda Simon, "The Mighty Incumbent," *State Legislatures*, July 1986, pp. 31-34.

⁹*Wallace v. Bone*, 304 N.C. 591, 286 S.E. 2d 79 (1982), N.C. Supreme Court Advisory Opinion (Feb. 16, 1982), and letter from Attorney General to legislature (Feb. 19, 1982).

¹⁰Coble's speech has been shortened for space reasons. For more on this point, see Ran Coble, *Special Provisions in Budget Bills, A Pandora's Box for N.C. Citizens*, June 1986, and March 4, 1987 follow-up report, N.C. Center for Public Policy Research. See also "Reforming Pork Barrel, Special Provisions and the Appropriations Process: There's Less Than Meets the Eye," by Paul T. O'Connor, *North Carolina Insight*, Vol. 9, No. 3, March 1987, p. 96.