

# IN THE LEGISLATURE

## *The 1995 Legislature in Retrospect: Republican Lawmakers Work to Deliver on Their Contract*

by Danny Lineberry

*A new day dawned in January 1995, when the N.C. General Assembly convened with its strongest Republican presence this century. Thanks to their stunning sweep in the 1994 elections, Republicans captured the House by a 16-seat margin (68–52) and were only two seats shy of controlling the Senate (24–26). GOP lawmakers wasted little time in working to deliver on their “Contract,” an agenda they had pledged to pursue during the 1994 campaign. Republican legislators succeeded on several fronts, most notably by slashing taxes by \$413.8 million (including cuts in the income, intangibles, and unemployment insurance taxes) and approving a public referendum on whether to grant veto power to the governor. But other parts of the Contract stalled, including welfare reform and term limits for legislators and members of Congress. The following article looks back at the 1995 legislature’s successes and failures.*

**Y**ellow Dog Democrats no doubt hung their heads in defeat after the November 1994 elections in North Carolina. Republican candidates, who had not held a majority of seats in the state legislature since 1870, seized control of the House of Representatives and nearly captured the Senate. Many state employees—especially those who owed their jobs to Democratic Gov. Jim Hunt—almost certainly held their breath.

But despite fears to the contrary, the walls of the Legislative Building did not come tumbling

down on Jan. 25, 1995. That’s the date when Rep. Harold Brubaker (R-Randolph), a 48-year-old real estate appraiser, businessman, and cattle farmer from Asheboro, took the oath of office to become the first Republican speaker of the state House in the 20th century.<sup>1</sup>

“It is the dawn of a new day in North Carolina,” Brubaker said during his brief speech on the first day of the 1995 General Assembly session. “It is the end of business as usual. For decades, business as usual has made government in North Carolina more and more remote from the people. Business as usual has made it too expensive. Business as usual has made it too intrusive. Business as usual has made it too unresponsive. By 1994, the people were ready for a change. And that’s what the 1994 election was all about.”

During the 186 days that followed—one of the longest legislative sessions in the state’s history—Brubaker and his GOP majority in the House, along with a modern-day record number of Republicans in the Senate, did indeed change the way the N.C. General Assembly does business.<sup>2</sup> Republican legislators pushed through some bills that previously had been dead on arrival. They killed other measures, such as the lottery, that previously had passed in one chamber or the other. And they set new priorities and procedures for budgeting the state’s finances.

Lobbyists and lawmakers who had been outsiders found doors magically opened. Others, used to sitting behind the closed doors when the deals were cut, were left out in the cold. And some things, such as the leadership’s use of rules and clout to control the flow of legislation, did not change much at all.

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## **GOP Contract a Road Map for Legislative Action**

Many of the changes were the result of a road map that the Republicans brought to Raleigh in January. The map—a “Contract” with the voters signed by dozens of state GOP legislative candidates in the fall of 1994—called for tax cuts, brakes on state spending, welfare reform, and initiatives that would give voters the power to make laws.<sup>3</sup> (See Table 1 on p. 106.)

When the 1995 General Assembly session ended in late July, the GOP lawmakers—with help from Democratic sympathizers on selected issues—had achieved many of those goals. Taxpayers saw one result of the new GOP clout when they filled out their state income-tax forms in 1996. Early in

the session, the General Assembly passed a \$413.8-million tax cut package that will save \$290 a year—or 79 cents a day—for a typical middle-income family of four. That package included a \$235-million cut in income taxes and the repeal of the \$124.4-million tax on intangible property, such as stocks and bonds.<sup>4</sup> In addition, the legislature cut unemployment insurance taxes by 23 percent, saving employers \$51 million a year.<sup>5</sup>

For teachers and state employees, the effect of the GOP gains was clear in their first paycheck for the 1995–96 fiscal year. They received an average 2 percent pay raise. That compares with salary increases in the 1994–95 budget that totaled: 4 percent with a 1 percent one-time bonus for state employees; 5 percent for teachers with one to three years experience; and 7 percent for teachers with

four or more years experience.<sup>6</sup> Overall, the legislature increased the number of state employees in the 1995–96 budget by 1.3 percent, despite well-publicized cutbacks in the Department of Public Instruction’s administrative offices and the Department of Community Colleges.<sup>7</sup>

Poor women will see another result of the GOP’s new clout if they seek state money to pay for an abortion. Lawmakers slashed the state’s abortion fund from \$1.2 million to \$50,000 and tightened up the eligibility requirements.<sup>8</sup>

Voters will see yet another outcome of the Republican power when they go to the polls in November 1996. Three constitutional amendments—including a proposal to make North Carolina’s governor the last in the country to receive the power to veto legislation<sup>9</sup>—are scheduled to be on the ballot. The other two measures on the ballot are a constitutional amendment guaranteeing certain rights to crime victims<sup>10</sup> and an amendment allowing certain punishments as alternatives to prison terms.<sup>11</sup>

**House Speaker Harold Brubaker (R-Randolph)**



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—HAROLD BRUBAKER,  
N.C. HOUSE SPEAKER

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GOP leaders pronounced themselves pleased with their scorecard. "We came to town this session of the General Assembly with an agenda," House Speaker Brubaker told reporters minutes after the session ended. "We delivered on our agenda, and I think Mr. and Mrs. Middle-Income Taxpayers of North Carolina have been heard by this session of the General Assembly."

That agenda was the "Contract" that became the GOP's blueprint for change on Election Day 1994. The contract grew out of a request by the Republican National Committee, which had developed a similar document at the national level. Both contracts reflected traditional GOP themes such as limited government, reduced government spending, and lower taxes. But few of the Republican candidates who signed the contract on the steps of the State Capitol on a sun-splashed, autumn day in October 1994 expected the GOP to actually *win* a majority of either the state House or Senate.

"Sometimes you dream," Brubaker said in the days leading up to the 1995 session. "You dream about that, hoping that you will be in the majority within a few years."

### **House, Senate Respond Differently to GOP Contract**

**B**ut with their unexpected majority in the House, Republicans were able to deliver more than the contract promised. The document—titled "A New Contract by the People, for the People"—simply said GOP legislators would *introduce* bills to imple-

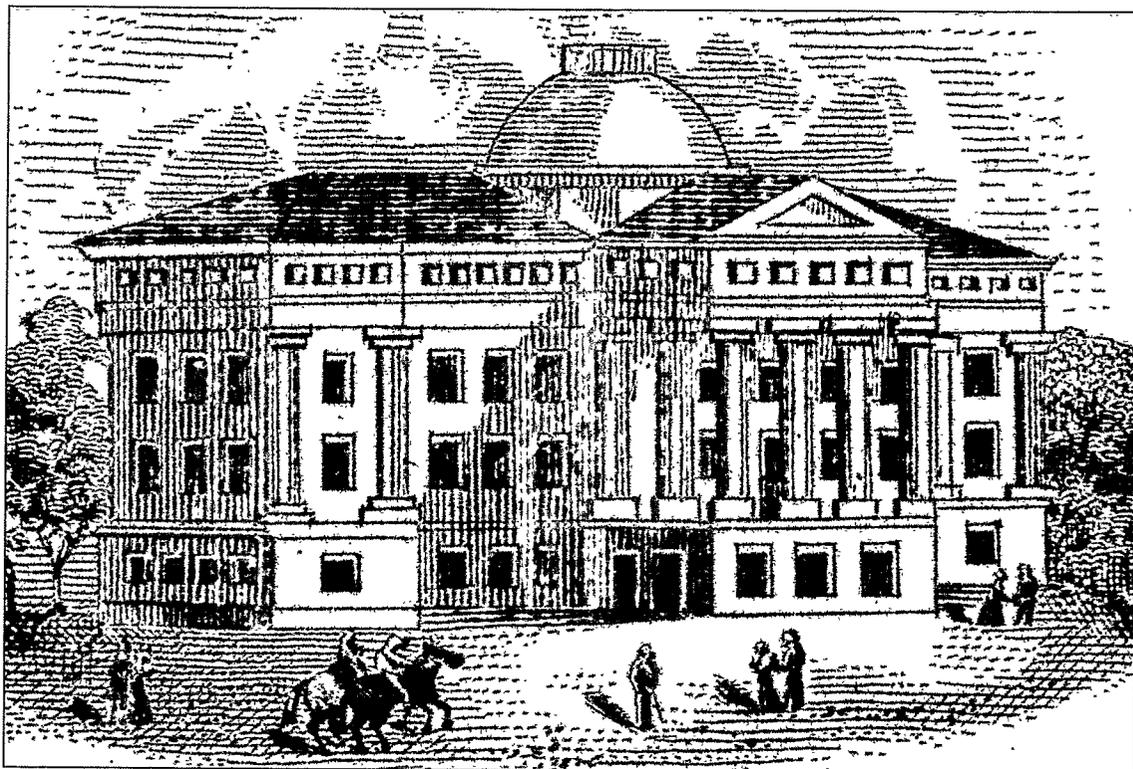
ment the contract's provisions. Republican lawmakers accomplished that goal and more. With the help of a dozen or so Democrats who consistently voted with the GOP, the Republicans were able to win House passage of all but two of the contract items. (See Table 1 on p. 106.) The only setbacks were bills that would change the state Constitution and require a super-majority of votes to pass, such as legislation that would allow voters to initiate legal changes by referendum<sup>12</sup> and establish term limits for legislators and members of Congress.<sup>13</sup>

With the "Contract" bills, the state House and Senate:

- Repealed the limit on the state's prison population, effective Jan. 1, 1996, and raised the cap during the interim period from 24,500 to 27,500 inmates.<sup>14</sup> The prison cap had been a rallying cry for Republicans during the February–March 1994 special session on crime.
- Overhauled the state's governing structure for education with bills that shifted power away from the Superintendent of Public Instruction and the N.C. Department of Public Instruction to the State Board of Education and local school boards.<sup>15</sup>
- Put on the ballot a proposed constitutional amendment that would give the governor veto power.<sup>16</sup> For years, veto measures had stalled in the House after passing the Senate.

Despite those successes, the Republicans were not able to win final approval of many contract items. The Senate, with its slim 26–24 Democratic majority, became a burial ground for several measures on the GOP's agenda, and the House itself killed others.

Term limits for *state legislators* died in the Senate after the Democratic leadership linked them with a sweeping campaign finance reform package that would have set voluntary spending limits for some campaigns.<sup>17</sup> Democrats said they tied the two proposals together to create a comprehensive campaign reform package. But Republicans accused the Democrats of a cynical political ploy. The linkage prompted all 23 Republicans who were present to vote against the bill, depriving the Democrats of the 30 votes needed to approve the proposed constitutional amendment on term limits. Another bill that would have established term limits for members of North Carolina's *congressional delegation* died in the state House in early May.<sup>18</sup> Shortly thereafter, the U.S. Supreme Court nullified a law establishing congressional term limits in Arkansas, ruling in a 5–4 decision that the U.S. Constitution prohibits the states from imposing



**Engraving of the State Capitol, circa 1870**

N.C. Division of Archives & History

such qualifications on members of Congress.<sup>19</sup>

A sweeping welfare reform package also foundered, in part because of disagreements between the House and Senate, as well as uncertainty about the effects of national welfare reform on the states. Legislators left town with plans to revisit that issue in the 1996 session, after the signals from Washington became more clear. Another bill, a “workfare” measure that would require food stamp recipients to work, also stalled in the Senate after passing the House.<sup>20</sup>

Another major Contract item that stalled was the “Taxpayer Protection Act,” an effort to tie the growth of the state budget to inflation and population growth. Under the bill, any revenue revenues collected that exceeded the spending limit would be placed in a fund for future tax relief. The legislation also would impose a limit on the state income tax rate, require referendums for the issuance of state and local bonds, and require legislative approval for the governor to spend money from the state’s Rainy Day Fund. The House and the Senate passed substantially different versions of the bill, which was still in a conference committee when the 1995 session ended but could be reconsidered in 1996.<sup>21</sup>

## Republican Changes Go Beyond the Contract

While the “Contract” gave the Republican leadership a road map, GOP-initiated bills aimed at shaking up the status quo were not limited to that document. The General Assembly passed education bills requiring public schools to teach students abstinence from sex until marriage,<sup>22</sup> encouraging students to recite the Pledge of Allegiance,<sup>23</sup> encouraging a moment of silence every day in public schools,<sup>24</sup> and establishing an “Eddie Eagle” gun-safety program sponsored by the National Rifle Association.<sup>25</sup> The bills were ironic because one of the professed goals of the N.C. Republican Party has been to eliminate state mandates on local governments. Other GOP-sponsored bills that failed to pass would have mandated character education<sup>26</sup> and phonics instruction<sup>27</sup> in the public schools.

On the crime front, Republicans provided the push for a law that allows North Carolinians to legally carry concealed weapons.<sup>28</sup> In other crime-related bills, the legislature also appropriated \$74.6 million over two years to construct 2,048 more prison beds,<sup>29</sup> increased criminal penalties for

—continues on page 108

**Table 1. Outcome of Republican "Contract" Proposals  
in the 1995 N.C. General Assembly**

<b>Contract Proposal</b>	<b>Action in 1995 Session of Legislature</b>
<b>1. <u>Tax reform that includes:</u></b>	
(A) an income tax cut of at least \$200 million, and	(A) Passed a \$235-million income tax cut.
(B) no new taxes.	(B) Adopted no new taxes.
<b>2. <u>Spending reform that includes:</u></b>	
(A) passage of a Taxpayers Protection Act that would limit growth in state spending to the rate of inflation, with an adjustment for population growth, and create an Emergency Reserve Fund; and	(A) House and Senate passed different versions, but conference committee failed to adopt a compromise bill. Pending for 1996 session.
(B) a prohibition on unfunded state mandates on local governments.	(B) Passed law requiring fiscal notes for state mandates; ban still pending for 1996 session.
<b>3. <u>Criminal justice reform that:</u></b>	
(A) removes the cap on state's prison population;	(A) Passed
(B) requires construction of new no-frills prison units; and	(B) Passed
(C) examines limits on judicial appeals by death-row inmates.	(C) Passed House but not Senate. Pending for 1996 session.
<b>4. <u>Welfare reform that:</u></b>	
(A) denies benefits to unwed mothers and fathers who fail to cooperate in establishing the parenthood of children born out of wedlock;	(A) Passed House but not Senate. Pending for 1996 session.
(B) extends Workfare programs to cover all able bodied adult recipients of social services benefits;	(B) Passed House but not Senate. Pending for 1996 session.
(C) and provides for a Learnfare program to encourage young welfare dependents to use public education opportunities so they can become productive adult citizens.	(C) Passed House but not Senate. Pending for 1996 session.

**Table 1, continued**

<b>Contract Proposal</b>	<b>Action in 1995 Session of Legislature</b>
<b>5. <u>Education reform that:</u></b>	
(A) grants effective control of public schools to local boards of education;	(A) Passed law giving local school boards greater flexibility in spending state funds, but enacted laws mandating Pledge of Allegiance and gun-safety education.
(B) reduces the responsibilities and size of the state Department of Public Instruction bureaucracy;	(B) Passed laws making State Board of Education the final authority in public schools and cutting staff by 50 percent in Department of Public Instruction's main office.
(C) earmarks savings realized by DPI restructuring for use by local school boards to pay for textbooks, supplies and other classroom materials.	(C) Reallocated savings from DPI cuts to local school units.
<b>6. <u>Empowerment reform that:</u></b>	
enables citizens of North Carolina, through voter initiatives, to place issues on the statewide ballot as constitutional amendments.	Failed.
<b>7. <u>Governance reform that:</u></b>	
(A) calls for a 1995 popular referendum on granting veto power to the Governor; and	(A) Passed, with a statewide voter referendum to be held in November 1996.
(B) establishes term limits for members of the N.C. General Assembly and the state's congressional delegation.	(B) Both measures failed.
<b>8. <u>Legislative reform that:</u></b>	
upon a discharge petition of a majority of state House or Senate members, requires that legislation held in committee be brought to the floor for a vote.	Passed a new House rule, but the majority party still stopped efforts by the minority party to bring legislation bottled up in committee to the House floor.

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EXECUTIVE DIRECTOR,  
N.C. TAXPAYERS UNITED

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certain offenses,<sup>30</sup> and established a registration system for sexual offenders.<sup>31</sup>

Even when they could not muster the votes needed to pass legislation, the Republican majority provided a friendlier environment for some issues. For example, the House gave serious consideration, for the first time, to a tuition tax credit for children in private schools.<sup>32</sup> The House also considered a so-called "takings" bill that would have required state and local governments to compensate property owners for environmental laws that lowered the value of their holdings or caused lower profits.<sup>33</sup>

While the attention was focused on the House Republican majority, Senate Republicans also demonstrated their new clout. A bill requiring parental consent for a minor's abortion, an issue that had stalled for years in the Senate, cleared that chamber in 1995 and was enacted into law.<sup>34</sup> Both the Senate and the House killed bills that would have put a state lottery on the ballot for voters to decide.<sup>35</sup>

Not all of the changes in the legislature were as obvious as bills that passed—or did not pass. In some cases, the new climate could be measured in issues that were not seriously discussed.

Health care reform, for example, all but faded from view—due in part to the lack of action at the federal level. No major reform measures were passed to increase access to health care in North Carolina or to control health-care costs. The Republican budget-writers in the House also tried to abolish the state's Health Care Planning Commission, which had spent months studying the issue in North Carolina. The group survived, but with its mission substantially changed and with four high-ranking state officials—the governor, lieutenant governor, speaker of the House, and Senate president pro tempore—no longer designated as members.

Repeal of the sales tax on food received less debate, despite repeated efforts by Rep. Toby Fitch (D-Wilson) and others to put the issue on the House's agenda. "The things that the little people have said they wanted to have done have been aborted," Fitch said.<sup>36</sup>

## **Changing of the Guard Extends to Interest Groups**

**A**nother result of the GOP takeover of the House was that insiders became outsiders, and vice versa. Just one year after giving the General Assembly an A+ rating, the state's largest teacher's group graded the 1995 session as a C.

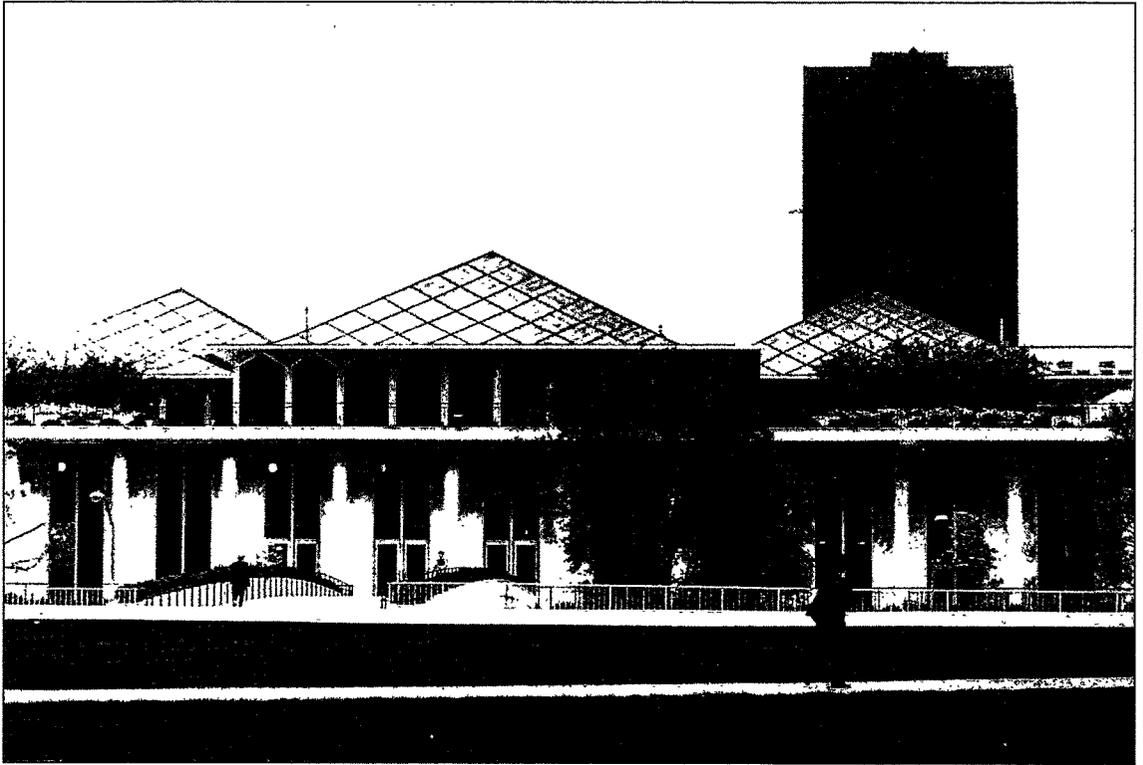
"With last year's General Assembly, the question was: How much do you support public education? It was simply a matter of degree," Rose Marie Lowry-Townsend, president of the N.C. Association of Educators, said at an August news conference in which the group announced its report card for the 1995 session. "This year, the question became: Do you support public education at all?"<sup>37</sup>

Bill Holman, a lobbyist for several environmental groups, also found himself on the outside looking in. "The House and Senate have traditionally gotten all the interested parties at the table to try to negotiate out their differences," Holman said.<sup>38</sup> But under GOP rule in the House, he said, lawmakers and business interests cut the deals and did not invite environmental lobbyists.

Holman called the session the worst for the environment in 25 years, with one of the few bright spots being the passage of legislation establishing a stable funding source for the state parks. The bill, introduced by Republican Rep. Lyons Gray of Forsyth County, created a trust fund that will provide \$10 million to \$15 million annually for parks through the use of some of the tax on land transfers.<sup>39</sup>

Some environmentalists cited the Hunt Administration's "Year of the Coast" agenda as another bright spot. That effort included a slate of bills aimed at improving water quality and land-use planning in coastal counties. Although the administration did not get everything it asked for, the legislature appropriated funds to hire 29 additional positions (three less than requested) for dealing with problems such as animal waste inspection, fisheries law enforcement, water pollution, and coastal land-use planning.<sup>40</sup>

"It could've been a lot worse, but it should've been a lot better," said Todd Miller, executive director of the N.C. Coastal Federation. "The pros-



pect [for coastal bills] at the beginning of the session was really bleak. But the effort this year was relatively successful in terms of just maintaining the status quo. But that's not good enough, given the magnitude of the problems facing the coast."

Despite such successes, environmental regulators also found themselves on the defensive. Steve Levitas, deputy secretary of the N.C. Department of Environment, Health, and Natural Resources, said that he spent much of the session trying to block legislation that would have gutted the agency's programs. "There was a lot of frustration out there with

government in general and the environment in particular," said Levitas, who previously directed the N.C. Environmental Defense Fund, a nonprofit environmental group.<sup>41</sup>

Roz Savitt, a lobbyist whose clients include the N.C. Chapter of NOW (National Organization for Women), said she knew what to expect even before the session started. "Our success was going to be measured by holding the line," she said.<sup>42</sup> Nevertheless, the legislature did enact several laws dealing with issues important to women, including bills that: authorize broader penalties for "deadbeat dads" who refuse to pay child support;<sup>43</sup> require insurance com-

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—CHRIS FITZSIMON, DIRECTOR, THE COMMON SENSE FOUNDATION

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panies to cover hospital stays of at least 48 hours after childbirth;<sup>44</sup> give judges more options in trying to prevent domestic violence;<sup>45</sup> and make financial need instead of fault the primary criterion for determining whether divorced spouses qualify for alimony support.<sup>46</sup>

Representatives of several interest groups vented their frustration during interviews with reporters on the last day of the session. In contrast to the almost giddy legislators who blew bubbles on the House floor before they blew town, lobbyists pushing for campaign finance reform, abortion rights, and other causes were glum.

"The legislature chose to put the election of 1996 ahead of the people of North Carolina, by focusing on popular issues rather than the things that help people who need the help," said Chris Fitzsimon, leader of the Common Sense Foundation, a liberal think tank based in Raleigh. "The leadership turned over the reins of government to the people who financed their campaigns—the wealthy and the corporations."<sup>47</sup>

Brubaker had a quick retort for such complaints: "That's just the spin the liberal left is putting out," he said. "It's absolutely untrue." Senate Minority Leader Betsy Cochrane (R-Davie) had an even blunter response: "Bull!"

One group sharing the speaker's assessment is N.C. Taxpayers United, an organization that lobbies for tax relief. "The 1995 session was a progressive year for the average taxpayer in North Carolina," says Rebecah Moore, executive director of the group. "In the 1995 session, I think North Carolina legislators really started listening to the needs of their constituents, in terms of wanting lower taxes and greater accountability from state government." Moore credited the legislature for cutting the income and intangibles taxes, as well as nearly enacting the Taxpayer Protection Act. "We're hoping very much

that it has the highest chance of passage in the next session," she says. "I think the chances of compromise are very strong."

Some lobbyists with close ties to the new Republican leadership found themselves in high demand. Among those who saw their client lists expand was Don Beason, the anti-drug cabinet director under former Republican Lt. Gov. Jim Gardner. The changing of the guard also attracted some new blood into the lobbying field, including: Ward Purrington, a legislative liaison and secretary of revenue under former Gov. Jim Martin; and Jack Hawke, the former chairman of the state Republican Party, who became a partner with Southern Strategies Inc., a previously Democratic lobbying firm.<sup>48</sup>

### **GOP Lays Out the Welcome Mat for Business**

**B**usiness interests found a new attitude when they roamed the halls of the Legislative Building. That change prompted the head of N.C. Citizens for Business and Industry, the state's largest business-lobbying group, to comment that his team started playing offense instead of defense during the 1995 session.

There was very little 'let's punish business' or 'let's over-regulate business,'" Phil Kirk, president of the N.C. Citizens for Business and Industry, wrote in the group's legislative bulletin. "Rather, there was a prevailing attitude and desire to help the economic and education climate in our state."<sup>49</sup>

A lobbyist for the National Rifle Association, which pushed hard for the concealed-weapons law, carried the sports analogy about playing offense and defense even further. "In 1994, I was an offensive lineman," Joe McClees said. "In 1995, I enjoyed playing quarterback. The November elections gave me some good re-



**Tod R. Caldwell, the last Republican leader of the state Senate in North Carolina, circa 1870.**

ceivers to throw to.<sup>50</sup> By contrast, McClees and other NRA lobbyists spent much of the previous two sessions beating back several gun-control measures, including proposals to ban "assault rifles."

Business in general won several major victories during the 1995 session, including bills limiting the liability of companies against claims that their products injured some one and capping punitive damages at \$250,000—or three times an injured person's medical bills and other costs, whichever is more.<sup>51</sup> Kirk called those measures "landmark legislation, which is some of the toughest in the nation."<sup>52</sup>

Other big victories for the business community included a repeal of the state tax on intangible property<sup>53</sup> and further reductions in the unemployment insurance tax, which also had been cut in the 1992, 1993, and 1994 sessions.<sup>54</sup> The intangibles tax, which was based on a percentage (0.5%) of the market value of stocks, bonds, and other intangible property, had been unpopular with businesses, investors, and retirees. Its repeal amounted to a \$124.4-million tax cut, based on revenues generated by the tax in 1994. Likewise, the 23-percent cut in unemployment insurance taxes is expected to save employers an estimated \$275 million over the next five years.

In one area where business and the environment collided—the regulation of hog farms—business got the edge. Only bills approved by lobbyists for the pork industry found favor with the General Assembly, despite several major spills of hog and animal wastes late in the ses-



**Joseph W. Holden, the last  
Republican Speaker of the house in  
North Carolina, circa 1870.**

sion.<sup>55</sup> Despite those setbacks, the highly publicized problems with hog farms helped prompt the legislature to appropriate funds to hire more water-pollution specialists for the Department of Environment, Health, and Natural Resources. Legislators increased by six the department's request for additional hog-waste inspectors and water-quality specialists, while reducing requests for more forestry personnel and coastal planners.<sup>56</sup>

But business did not get all it wanted. Lawmakers balked at rolling back the corporate income tax from 7.75 percent to 7 percent—the latter level being the tax rate before it was increased

in 1991 to help close a budget shortfall. Both Gov. Jim Hunt and legislative leaders have promised to revisit this issue in the 1996 session, if state revenues look healthy.

### **Democratic Support in the Senate and Governor's Office Aids Some Contract Items**

**D**emocratic leaders contended that they would have pushed many of the same items on the Republican agenda if they had remained in power.

"When the apple gets ripe, it will fall from the tree," said Rep. David Redwine (D-Brunswick), one of two minority whips in the House. "Some of the issues were ripe and ready to fall. They [Republicans] just happened to be in the right place at the right time."<sup>57</sup>

On the Senate side of the Legislative Build-

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—PHIL KIRK, PRESIDENT,  
N.C. CITIZENS FOR BUSINESS & INDUSTRY

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ing, President Pro Tem Marc Basnight (D-Dare) often reminded reporters and others that the intangibles tax repeal—one of two key elements in the tax-cut package—had passed majority Democratic Senates in prior sessions.

Republicans clearly received considerable help from Democrats in pushing their agenda. In the House, for example, 14 Democrats voted with the Republicans at least 50 percent of the time on major bills. These legislators included: Reps. Dewey Hill (D-Columbus), 84 percent; Edd Nye (D-Bladen), 76 percent; John W. "Bill" Hurley (D-Cumberland), 72 percent; Willis Brown (D-Harnett), 68 percent; Walter Church (D-Burke), 64 percent; Bill Culpepper (D-Chowan), 64 percent; Alex Warner (D-Cumberland), 64 percent; Jim Crawford (D-Granville), 60 percent; W.C. "Bill" Owens (D-Pasquotank), 60 percent; Richard "Gene" Rogers (D-Martin), 60 percent; L.W. Locke (D-Halifax), 56 percent; Linwood Mercer (D-Pitt), 56 percent; Billy Richardson (D-Cumberland), 56 percent; and Mike Wilkins (D-Person), 56 percent.<sup>58</sup>

One of the Democrats who gave the most help to Republicans was Gov. Hunt. Thirty days after the November elections, Hunt proposed a \$483-million tax cut package—upping the ante from the \$200-million cut that Republicans had promised as a minimum in their contract. "Our North Carolina

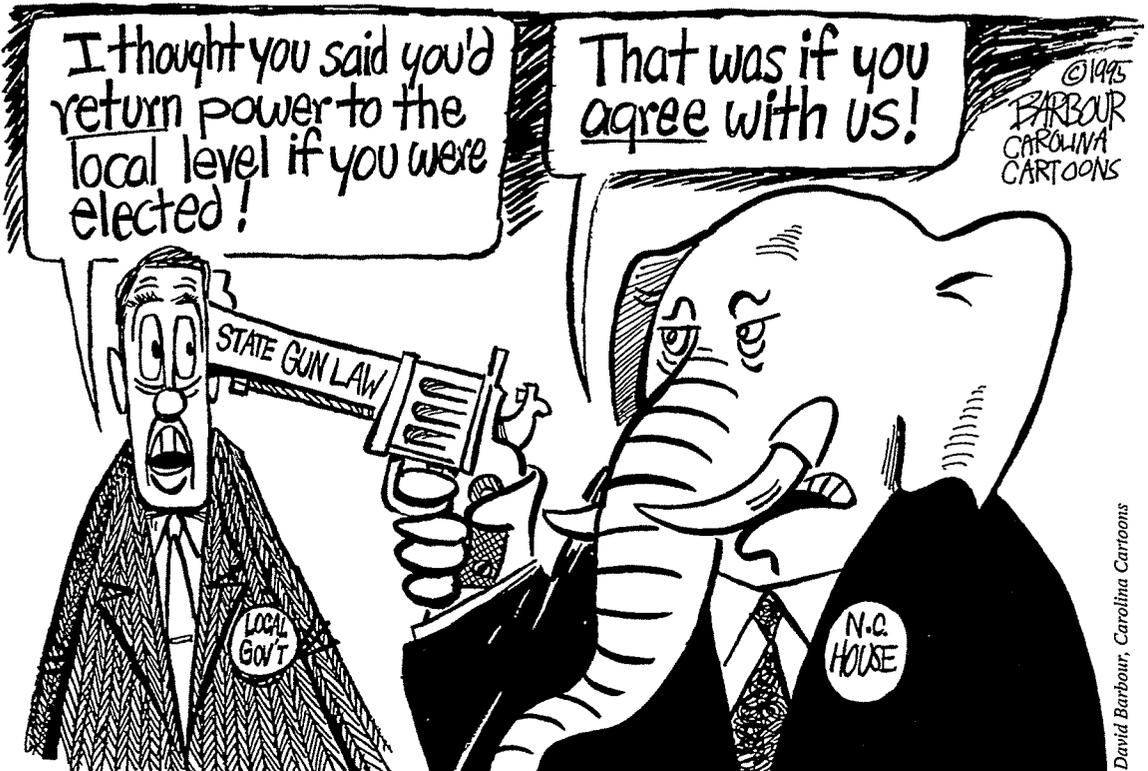
families need all they can get, and I believe that government can get by with less," Hunt said at a news conference in December 1994. "I believe that people ought to have a little more at the end of the day, and that is really what this is all about."<sup>59</sup>

Hunt's early call for a tax cut guaranteed that issue top spot on the General Assembly's agenda, and lawmakers wrapped up work on the package on April 17—the 1995 deadline for filing state and federal income taxes. The final tax cut legislation was similar to Hunt's proposal.

The tax cut also played a large role in shaping the 1995–97 budget, because it gave budget-writers \$362.8 million less to spend.<sup>60</sup> For years, members of the tax-writing House and Senate Finance Committees have complained about the budget-writing Appropriations Committees dominating the process. The priorities in 1995 shifted toward making the tax cuts first and then letting the Appropriations Committees adjust accordingly. GOP leaders also wanted to enact a budget that was less than or equal to the 1994–95 budget.

"That's our bottom line," House Speaker Brubaker said in mid-July. "I informed the Senate leadership a couple of months ago that we would not agree to anything that spends more than last year."<sup>61</sup>

But some veteran Democratic Finance Committee members were not happy about the shift in



David Barbour, Carolina Cartoons

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***"With last year's General Assembly, the question was: How much do you support public education? It was simply a matter of degree. This year, the question became: Do you support public education at all?"***

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PRESIDENT, N.C. ASSOC. OF EDUCATORS

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emphasis in 1995. "The view of the legislative process was so narrow that it did not encompass what I believe has to be done, and that is a consideration of all the issues facing the state," said Rep. George Miller (D-Durham), former co-chairman of the House Finance Committee from 1991–94.<sup>62</sup>

In addition to firming up the priorities for legislators during the 1995 session, Hunt's budget provided the framework for the budget adopted by the General Assembly months later. The governor, for example, called for a 2-percent pay raise for teachers and state employees—the same increase later adopted by lawmakers.

Hunt, the state's ranking Democratic elected official and a candidate for re-election in 1996, did little publicly to oppose the Republican initiatives. Often—as with tax cuts and measures to get tough on crime—the governor seemed to be outbidding the Republicans. Whatever battles Hunt fought, he generally fought in private.

The notable exception was Smart Start, Hunt's initiative aimed at providing care for pre-school children, which is now operating in 32 counties. Hunt initially asked the legislature for \$51.2 million to expand the program to 24 more counties over a two-year period. After a standoff that lasted several weeks and several tentative agreements that fell apart, the governor, the GOP House leadership, and the Democrats who controlled the Senate cut a deal. The compromise included appropriating \$3.5 million in planning money for possible expansion of Smart Start into 12 additional counties, an independent audit of the program, and a requirement that state funding be matched by private money (at least 20 percent of state expenditures).<sup>63</sup>

### **Some Things Never Change**

**F**or all the changes elsewhere in the Legislative Building, the GOP leadership had no better success than their Democratic predecessors at

wrapping up the session early in July. That had been the goal.

"As soon as we get this agenda dealt with, we are going to try to close the place up," House Majority Leader Leo Daughtry (R-Johnston) said before the session. Lawmakers adjourned on July 29, after 108 *working* days—close to the norm for the past few "long" sessions, which are held in odd-numbered years. However, in total *calendar* days, the 187-day session in 1995 ranked as the third longest over the past 20 years—following the 1989 (214 days) and 1983 (192 days) sessions, and tying with the 1987 session. (See Table 2 on p. 114.)

The Republicans' "Contract" helped get them off to a fast start in the early days of the 1995 session, setting a clear agenda for action and helping lawmakers make better use of their time.<sup>64</sup> But progress slowed later in the session when lawmakers began dealing with tougher budgetary matters. The session also was delayed by the emergence of rifts between Republican factions—religious right vs. moderates, coastal representatives vs. Piedmont—on issues such as abortion, welfare, and coastal fishing regulations.<sup>65</sup> Another factor was the standoff over the expansion of Smart Start.

Republican legislators also fell short in their pledge to roll back legislative salaries, expense allowances, and pensions—a big issue for GOP candidates in the 1994 campaign. Although lawmakers did exempt themselves from the 2-percent pay raise for state employees, legislators from both parties benefited in 1995 from perks adopted in previous sessions. These perks included: a 5-percent increase in salaries, from \$13,026 to \$13,951 a year for rank-and-file legislators; a 13-percent increase in legislators' allowance for food and lodging, from \$91 to \$104 a day; and an average increase of 50 percent in legislators' pensions.<sup>66</sup>

Another pledge that Republicans failed to honor fully was their promise to stop the practice of interfering with or legislating mandates on local

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***"In 1994, I was an offensive lineman. In 1995, I enjoyed playing quarterback. The November elections gave me some good receivers to throw to."***

—JOE MCCLEES,  
LOBBYIST, NATIONAL RIFLE ASSOCIATION

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**Table 2. Length of Long Sessions (Odd Years) of the N.C. General Assembly Since 1975**

Year	Starting Date	Ending Date	Number of Calendar Days	Number of Working Days
1975	January 15	June 26	163	117
1977	January 12	July 1	170	123
1979	January 10	June 8	150	108
1981	January 14	July 10	178	127
1983	January 12	July 22	192	138
1985	February 5	July 18	164	118
1987	February 9	August 14	187	134
1989	January 11	August 12	214	137
1991	January 30	July 24	168	106
1993	January 27	July 24	179	110
1995	January 25	July 29	187	108

Average = 177      Average = 121

Source: N.C. General Assembly

governments. GOP legislators did succeed in passing a bill requiring fiscal notes for screening and reviewing the economic impacts of proposed legislation or agency rules on local governments, but the bill does not prohibit mandates outright.<sup>67</sup> Republicans also backtracked on the mandate issue by pushing through a series of bills dictating requirements for local school systems, although none of those would necessitate expenditures of local funds. (See discussion on p. 105.)

### Republicans Change Procedural Rules

**I**n their effort to reduce the session length, eliminate floor sessions that dragged on into the early-morning hours, and keep a firmer control on the agenda, the Republican leadership rammed through several changes in House rules on the first day of the 1995 session. The changes included rules limiting to 10 the number of bills each House member could sponsor<sup>68</sup> and prohibiting floor sessions from going past 9 p.m. (10 p.m. on Monday nights, when

lawmakers begin their week.)<sup>69</sup> The House also scheduled quick sessions on Monday nights to approve a “consent calendar,” or a list of bills that had no opposition.<sup>70</sup>

Another new rule made the majority leader and speaker pro tempore ex officio members—with voting power—of each of the House’s 21 standing committees and 19 permanent subcommittees.<sup>71</sup> More often than not, Majority Leader Daughtry, Speaker Pro Tem Carolyn Russell (R-Wayne), or both of them showed up in House committees where the leadership expected close votes. Those appearances prompted Rep. Anne Barnes (D-Orange) to dub the two “the paladins—have vote, will travel.”

GOP leaders used another House rule to increase their control of the budgeting process.<sup>72</sup> House Speaker Brubaker designated each of the House Appropriations Committee’s three co-chairs as voting members of all six budget subcommittees. That action allowed Republican leaders to exert firm control on debate and voting in the appropriations

subcommittees, where most budget battles are settled.

The Republican leadership quickly learned the General Assembly equivalent of the Golden Rule: He who has the votes, rules. And the way the leadership used the rules sparked grumbling from Democrats and even some Republicans. Rep. Paul Luebke (D-Durham) accused the House leadership of "the same old, same old" after Brubaker seven times refused to recognize Luebke over several days. Luebke tried to gain the floor to make a motion to bring up a partial repeal of the sales tax on food.

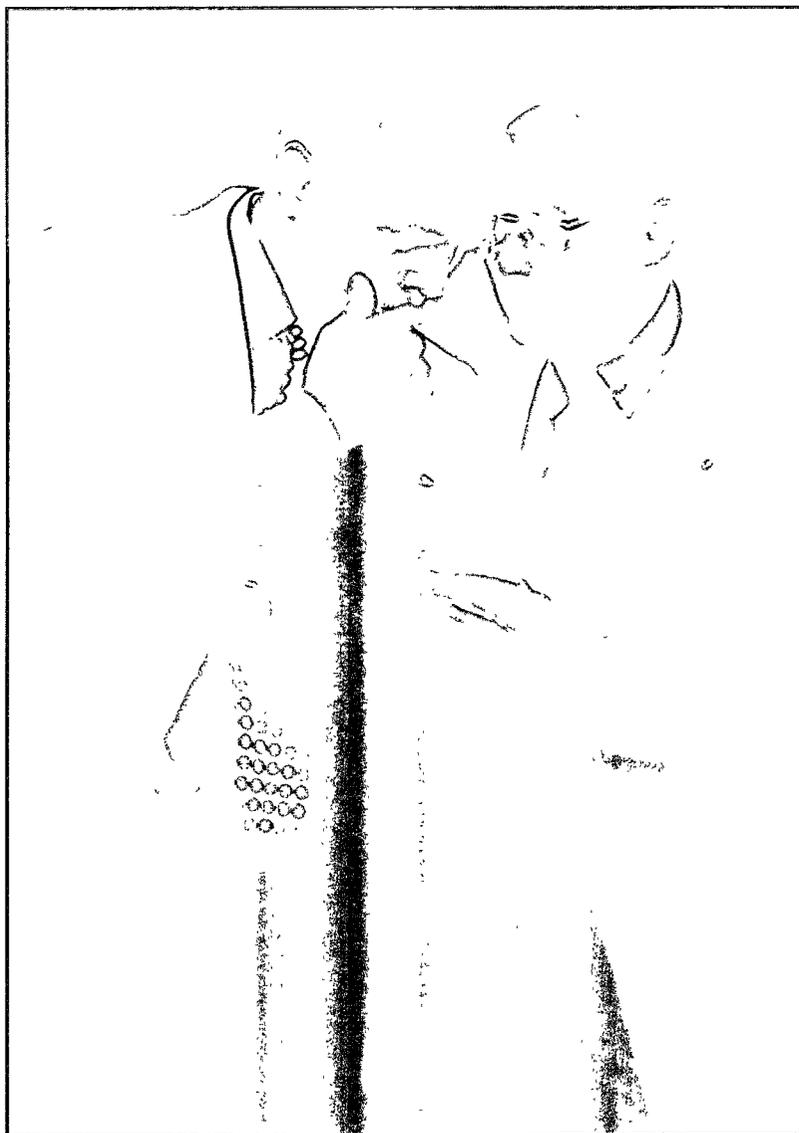
Brubaker's refusal to recognize members for certain motions boiled over on the last day of the session. Rep. Billy Richardson (D-Cumberland), who was one of the dozen or so Democrats who of-

ten voted with the Republicans on key issues, stood on his desk in an effort to be recognized by Brubaker. The speaker threatened to have him removed by the sergeant-at-arms. Richardson was allowed to stay when he sat down.

The speaker later apologized. "I was committed to banging that gavel and getting out of here, and there wasn't anybody going to get in the way," Brubaker said after the session.

Brubaker's tactic of refusing to recognize members for certain motions was one of several ways the Republican leadership controlled the agenda. They also:

- Exercised a kind of pocket veto with a new rule giving the chairman of the Committee on Rules and Operation of the House the power to schedule (or pocket) bills for a floor vote after they won commit-



**House Speaker Harold Brubaker, (R-Randolph), right, and House Majority Leader Leo Daughtry (R-Johnston) confer during the 1995 session.**

Karen Tam

tee approval.<sup>73</sup> Rules chairman Richard Morgan (R-Moore) never scheduled 17 bills, effectively killing them for the 1995 session. The measures killed ranged from a bill giving optometrists more authority to prescribe drugs to proposals to name a state dance.

■ Repealed a House rule that had required fiscal notes which put a price tag on any legislative bill that lengthens prison sentences or puts more people behind bars.<sup>74</sup> Such notes had been used to estimate whether legislative changes would increase prison populations and costs. Republican leaders said fiscal notes weren't necessary because their bills would act as a deterrent on crime and eventually decrease prison populations. But Democrats charged that the repeal could result in bills that overload the prison system and cost too much money.<sup>75</sup>

■ Dusted off a procedure allowing an entire committee to introduce a bill—a procedure that had not been used for 130 years—requiring the election of Superior Court judges by districts.<sup>76</sup> The House Judiciary I Committee, instead of an individual member, introduced the controversial proposal after Rep. H.M. "Mickey" Michaux (D-Durham) objected when the committee tried to hijack his bill dealing with judicial elections.

■ Leaned on several Republicans who had signed a discharge petition pulling out of committee and onto the House floor a bill to repeal the sales tax on food. Rep. Toby Fitch (D-Wilson) had circulated the petition and claimed that a majority of committee members had signed it, including at least eight Republicans.<sup>77</sup> But the House GOP leadership pressured Republicans to withdraw their names from the petition, depriving Fitch of the recorded floor vote he had sought.

■ Shut down debate much more often than the Democratic leadership in the 1993 session, according to an analysis by Rep. Joe Hackney (D-Orange). Hackney maintained that two Republican leaders, Reps. Daughtry and Morgan, had moved to cut off debate 72 times on the House floor during the 1995 session, and that the Republican majority in the House had moved to end debate 187 times. By comparison, only 65 motions to "call the previous question," or cut off debate, were made during the 1993 session, when Democrats controlled the chamber.

Brubaker defended the way he and his lieutenants ran the House. "Look what we did," Brubaker said, his voice rising, when he talked with reporters after the session adjourned. "Ladies and gentlemen of the press, this is the first time, at least in my 19 years, that we never had a session in the midnight hour, that we didn't sit there and write bills on the

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***"The view of the legislative process was so narrow that it did not encompass what I believe has to be done, and that is a consideration of all the issues facing the state,"***

—REP. GEORGE MILLER,  
(D-DURHAM)

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floor of the House at 2 and 3 o'clock in the morning—major legislation. You know, that was one of our main points. Now if you are going to accomplish that goal of not being irresponsible and write legislation on the floor of the House at 2 or 3 o'clock in the morning, or adjourning at 7 o'clock in the morning and let the members drive home all night or early in the morning, then you have to have a mechanism to which you can run and operate the House. I think it was an absolutely delightful way to do it."

Moreover, Brubaker said, House Republicans had followed through on their 1994 promise to change the course of state government. "We showed the people that they spoke in November, and we delivered." GOP leaders also pledged to follow through in the 1996 legislative session on items in their contract that failed in 1995, while predicting the use of similar agendas in future sessions. "We'll probably work on some blueprint to follow," House Majority Leader Leo Daughtry (R-Johnston) said. ☐☐

## FOOTNOTES

<sup>1</sup>For more on the Republican Party in North Carolina, see Jack Betts and Vanessa Goodman, *The Two-Party System in North Carolina: Do We Have One?*, N.C. Center for Public Policy Research, Raleigh, N.C., December 1987, 63 pp. The last time Republicans had the majority of seats in the state House and Senate was in the 1869–70 session, which was also the last date for a Republican House Speaker (Joseph Holden) and Senate President (Tod Caldwell). However, Republicans had effective control of the legislature in the 1897 session, when they allied with the Populists to outnumber Democrats. Republicans have had more success running for Governor. In 1972, Jim Holshouser (1973–1977) became the first Republican governor in North Carolina since Dan Russell (1897–1901), and Jim Martin later served two terms (1985–1993).

<sup>2</sup>The GOP brought its total strength to 92 after Republican candidates won subsequent, special elections for one House seat (Rep. Cynthia Watson, R-Duplin) and one Senate seat (Sen. Dan Page, R-Harnett), and one House member (Rep. Frances

Cummings, R-Robeson) switched her party affiliation from Democratic to Republican.

<sup>3</sup> For more on the N.C. Republican Contract and the 1994 elections, see Mebane Rash Whitman, "The Evolution of Party Politics: The March of the GOP Continues in North Carolina," *North Carolina Insight*, Vol. 16, No. 2 (September 1995), pp. 81-97. The state-level Contract differed from the national Republican Party's "Contract With the People" popularized by U.S. Rep. Newt Gingrich (R-Ga.), now Speaker of the U.S. House of Representatives.

<sup>4</sup> Chapter 507 (House Bill 230) of the 1995 Session Laws. In addition to the cuts in the income and intangibles taxes, the appropriations act also cut taxes by \$0.7 million with the ports tax credit (H.B. 396), \$0.1 million with the aquaculture sales tax exemption (H.B. 55), \$1.4 million with the nonprofit homes for the aging sales tax refund (H.B. 759), and \$1.2 million with the railroad diesel sales tax exemption (H.B. 360).

<sup>5</sup> Chapter 4 (Senate Bill 13) of the 1995 Session Laws.

<sup>6</sup> Fiscal Research Division, *Overview: Fiscal and Budgetary Actions*, North Carolina General Assembly, 1993 Session and 1994 Sessions, pp. 497-498. Salary increases for previous legislative sessions were: 2 percent with a 1 percent one-time bonus for state employees, and 3 percent average for teachers, in 1993-94; \$522 flat increase for state employees, and 2 percent average for teachers, in 1992-93; and no increases for all employees in 1991-92.

<sup>7</sup> According to Bobby Griffith in the Office of State Budget, the total number of state employees is projected to increase from 227,741 in FY 1994-95 to 230,735 in FY 1995-96.

<sup>8</sup> Chapter 324, Sec. 23.27 (House Bill 229) of the 1995 Session Laws reduced the State Abortion Fund from \$1.2 million to \$50,000 and stipulated that it only be used to pay for abortions that terminate pregnancies resulting from rape or incest or that endanger the mother's life. The law also limited payments to women whose family incomes fall below the federal poverty line. Those restrictions were drawn so narrowly, however, that they might prevent anyone from qualifying for assistance, according to John Tanner, the chief of the state's Adult and Family Services Section, which administers the fund. *The News & Observer* of Raleigh reported that the fund had not paid for a single abortion by late September 1995. See John Wagner, "N.C. abortion fund rules disqualify all applicants, officials fear," *The News & Observer*, Raleigh, N.C., Sept. 27, 1995, p. 1A.

<sup>9</sup> Chapter 5 (Senate Bill 3) of the 1995 Session Laws.

<sup>10</sup> Chapter 438 (Senate Bill 6) of the 1995 Session Laws.

<sup>11</sup> Chapter 429 (Senate Bill 4) of the 1995 Session Laws.

<sup>12</sup> House Bill 10, which would have given voters the right to amend the state Constitution through ballot initiatives, failed on second reading in the House on May 8, 1995.

<sup>13</sup> House Bill 12 would have established term limits for state legislators, and House Bill 13 would have established term limits for North Carolina congressmen.

<sup>14</sup> Chapter 324, Sec. 19.9 (House Bill 229) of the 1995 Session Laws.

<sup>15</sup> Chapter 72 (House Bill 7) of the 1995 Session Laws clarified that the State Board of Education has authority over the Department of Public Instruction. Chapter 6 (Senate Bill 16) of the 1995 Session Laws directed the State Board of Education to reorganize the Department of Public Instruction, recommending a 50-percent reduction in DPI's staff and budget. Chapter 393 (Senate Bill 15) of the 1995 Session Laws transferred from the Superintendent of Public Instruction to the State Board of Education the power to designate DPI policy-making positions as exempt from the State Personnel Act. Chapter 450 (House Bill 6) of the 1995 Session Laws gave local school boards greater flexibility in how they spend state education funds.

<sup>16</sup> Chapter 5 (Senate Bill 3) of the 1995 Session Laws will let voters decide in the Nov. 5, 1996, election whether to adopt a constitutional amendment giving the governor veto power. If adopted, it would take a three-fifths vote of the legislators present to override a veto.

<sup>17</sup> House Bill 12, which would have established term limits for state legislators, failed on second reading in the Senate on June 27, 1995.

<sup>18</sup> House Bill 13, which would have established term limits for North Carolina congressmen, failed on second reading in the Senate on May 9, 1995.

<sup>19</sup> *U.S. Term Limits, Inc. v. Thornton*, 115 S.Ct. 1842 (1995). The case was decided on May 22, 1995.

<sup>20</sup> The N.C. House passed the Food Stamp Workfare bill (H.B. 24) on April 19, 1995, but the bill never got out of the state Senate Children and Human Resources Committee.

<sup>21</sup> The Taxpayer Protection Act (House Bill 3) passed the House on March 2, 1995, and passed the Senate on July 19, 1995. Legislative leaders appointed a joint conference committee to discuss the bill on July 26, 1995, but the committee did not develop a compromise bill by the end of the session on July 29, 1995. The Senate bill changed the House bill by allowing additional spending to cover growth in public school and college enrollments, any increases in corrections spending, and the impact of federal budget cuts on state programs.

<sup>22</sup> Chapter 534 (House Bill 834) of the 1995 Session Laws.

<sup>23</sup> Chapter 455 (House Bill 65) of the 1995 Session Laws.

<sup>24</sup> Chapter 497 (Senate Bill 140) of the 1995 Session Laws.

<sup>25</sup> Chapter 289 (House Bill 767) of the 1995 Session Laws.

<sup>26</sup> The House passed the character education bill (H.B. 908) on May 4, 1995, but the bill never got out of the Senate Education/Higher Education Committee.

<sup>27</sup> The House passed the phonics bill (H.B. 917) on May 10, 1995, but the bill never got out of the Senate Education/Higher Education Committee.

<sup>28</sup> Chapter 398 (House Bill 90) of the 1995 Session Laws.

<sup>29</sup> Chapter 507, Sec. 26A (House Bill 230) of the 1995 Session Laws appropriated \$33.7 million for FY 1995-96 and \$40.9 million for FY 1996-97 as matching funds for a federal grant to construct new prison beds. If the state does not get the federal grant, the money will still be spent on prison beds. In addition, the bill appropriated \$250,000 to provide reserve beds or "hot bunking" for inmates.

<sup>30</sup> *Ibid.*

<sup>31</sup> Chapter 545 (Senate Bill 53) of the 1995 Session Laws.

<sup>32</sup> The House considered two bills (H.B. 190 and H.B. 954) that would have provided tax credits for private-school tuition. For more on these and other school-choice bills in the General Assembly, see Tom Mather, "School Choice: A Simple Term Covers a Range of Options," and related pro/con articles in *North Carolina Insight*, Vol. 16, No. 2 (September 1995), pp. 2-50.

<sup>33</sup> The Property Rights Act (H.B. 597) stalled in the House Rules Committee.

<sup>34</sup> Chapter 462 (House Bill 481) of the 1995 Session Laws.

<sup>35</sup> The House lottery bill (H.B. 960) died in the House Finance Committee, while the Senate bill (S.B. 624) failed on second reading on the Senate floor on July 10, 1995.

<sup>36</sup> Kirsten Mitchell, "GOP leaves its mark on General Assembly," *Wilmington Star-News*, Wilmington, N.C., July 30, 1995, p. A1.

<sup>37</sup> Foon Rhee, "Legislators get a 'C' from teachers group," *The Charlotte Observer*, Charlotte, N.C., Aug. 8, 1995, p. 3C.

<sup>38</sup> Danny Lineberry, "GOP claims session changed govt.," *The Herald-Sun*, Durham, N.C., July 30, 1995, p. 1A.

<sup>39</sup> Chapter 456 (House Bill 718) of the 1995 Session Laws.

<sup>40</sup> Chapter 507 (House Bill 230) of the 1995 Session Laws. The legislature gave the administration 29 of the 32 total new

staff positions sought in the Year of the Coast agenda, but changed the priorities. For example, the final expansion budget funded: eight animal-waste inspectors, 3 more than requested; zero forest runoff specialists, five less than requested; 11 water-pollution specialists, three more than requested; three coastal land-use planners, four less than requested; and seven fisheries law-enforcement officers, the same as requested.

<sup>41</sup> Terry Martin, "Legislature creates trust fund to provide money to state parks," *Winston-Salem Journal*, Winston-Salem, N.C., July 30, 1995, p. 4A.

<sup>42</sup> Mark Stinneford, "GOP rules, despite a last stand," *Fayetteville Observer-Times*, Fayetteville, N.C., July 30, 1995, p. 4A.

<sup>43</sup> Chapter 538 (House Bill 168) of the 1995 Session Laws.

<sup>44</sup> Chapter 517 (Senate Bill 345) of the 1995 Session Laws.

<sup>45</sup> Chapter 527 (Senate Bill 402) of the 1995 Session Laws.

<sup>46</sup> Chapter 319 (House Bill 270) of the 1995 Session Laws.

<sup>47</sup> Carol D. Leonnig and Foon Rhee, "GOP: 'We delivered on our agenda,'" *The Charlotte Observer*, Charlotte, N.C., July 30, 1995, p. 1A.

<sup>48</sup> Foon Rhee, "In Raleigh, lobbyists gear up for a GOP day," *The Charlotte Observer*, Dec. 24, 1994, p.1A. Also see Foon Rhee, "Lobbyists go to work on new order," *The Charlotte Observer*, Feb. 25, 1995, p. 1C; and Under the Dome, "Lobsters gather in Salisbury," *The News & Observer*, Raleigh, N.C., Nov. 23, 1994, p. 3A.

<sup>49</sup> Phillip J. Kirk Jr., "The Biggest Change in the Legislature Was One of Attitude," *NCCBI Legislative Bulletin*, Aug. 1, 1995, p. 15.

<sup>50</sup> Stinneford, note 42 above, pp. 1A and 4A.

<sup>51</sup> Chapter 514 (House Bill 729) of the 1995 Session Laws.

<sup>52</sup> *Ibid.*

<sup>53</sup> Chapter 41 (Senate Bill 8) of the 1995 Session Laws.

<sup>54</sup> Chapter 4 (Senate Bill 13) of the 1995 Session Laws. The N.C. General Assembly cut the unemployment insurance tax again during a special session in February 1996.

<sup>55</sup> There were five major spills of animal waste, including four from hog farms and one from a chicken farm, during June and July of 1995, according to the N.C. Department of Environment, Health, and Natural Resources. Another major spill from a hog farm occurred in early August, shortly after the legislative session ended.

<sup>56</sup> See note 40 above for a breakdown of environmental positions added in the expansion budget.

<sup>57</sup> Stinneford, note 42 above, p. 4A.

<sup>58</sup> The author conducted the tally of Democratic House members who voted with the Republicans at least half the time on major bills. See Danny Lineberry, "N.C. House Democrats break ranks," *The Herald-Sun*, Durham, N.C., July 23, 1995, p. 1A.

<sup>59</sup> Danny Lineberry, "Hunt's tax cut stems from Nov. 8 wake-up call," *The Herald-Sun*, Durham, N.C., Dec. 11, 1994, p. 12A.

<sup>60</sup> The \$362.8-million reduction in revenue includes \$235 million from cutting income taxes, \$124.4 million from repealing the intangibles tax, and \$3.4 million from cutting other taxes (not including unemployment insurance taxes). See note 4 above.

<sup>61</sup> Dennis Patterson, "Splitting Budget Hair On Saving, Spending," *The Associated Press*, Raleigh, N.C., reprinted in the *Eden Daily News*, Eden, N.C., July 17, 1995.

<sup>62</sup> Lineberry, note 38 above.

<sup>63</sup> Chapter 324, Secs. 27A and 27A.1 (House Bill 229) of the 1995 Session Laws.

<sup>64</sup> Joe Dew, "Off to a fast start, legislature tackles complex issues early," *The News & Observer*, Raleigh, N.C., Feb. 11, 1995, p. 3A.

<sup>65</sup> David Rice, "United GOP legislators unravel a bit,"

*Winston-Salem Journal*, April 9, 1995, p. 1B.

<sup>66</sup> Foon Rhee, "Legislators haven't addressed benefits," *The Charlotte Observer*, Feb. 7, 1995, p. 1C.

<sup>67</sup> Chapter 415 (House Bill 895) of the 1995 Session Laws.

<sup>68</sup> House Rules, 1995 N.C. General Assembly, Section VI, Rule 31.1(d1).

<sup>69</sup> House Rules, 1995 N.C. General Assembly, Section I, Rule 1.

<sup>70</sup> Under the Dome, "New views from the floor of the House," *The News & Observer*, Raleigh, N.C., Dec. 21, 1994, p. 3A.

<sup>71</sup> House Rules, 1995 N.C. General Assembly, Section V, Rule 26(I).

<sup>72</sup> House Rules, 1995 N.C. General Assembly, Section V, Rule 26(b). Also see, Under the Dome, "Turnabout is fair play in the House," *The News & Observer*, Raleigh, N.C., May 21, 1995, p. 3B.

<sup>73</sup> House Rules, 1995 N.C. General Assembly, Section VI, Rule 36(a).

<sup>74</sup> House Rules, 1993 N.C. General Assembly, Section VI, Rule 36.3.

<sup>75</sup> Under the Dome, "Price tags dropped from crime bills," *The News & Observer*, Raleigh, N.C., Feb. 3, 1995, p. 3A.

<sup>76</sup> The procedure, which is implied in House Rule 32(a), had not been used since the 1860s, according to Gerry Cohen, director of the Legislative Bill Drafting Section. The judicial elections bill (H.B. 195) passed the House in February 1995, but did not get out of the Senate Judiciary I Committee. The House Appropriations Committee also used the rule to introduce two fee bills that were later ratified as Chapter 178 (H.B. 993) and Chapter 360 (H.B. 994) of the 1995 Session Laws.

<sup>77</sup> Republicans who had signed the discharge petition and later requested that their names be withdrawn included Reps. Bobby Barbee (R-Stanly), C. Monroe Buchanan (R-Mitchell), Jim Carpenter (R-Macon), Debbie Clary (R-Cleveland), Arlene Pulley (R-Wake), Wayne Sexton (R-Rockingham), Cynthia Watson (R-Duplin), and Gene Wilson (R-Watauga).



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