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NCINSIGHT



Breaking ground...

THE 1981 GENERAL ASSEMBLY

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A non-profit, non-partisan organization, the Center was formed in 1977 by a diverse group of private citizens "for the purposes of gathering, analyzing and disseminating information concerning North Carolina's institutions of government." It is guided by a self-electing Board of Directors, and has some 600 individual and corporate members across the state. The Center's staff of associate directors, fellows, and interns includes various scholars, students, journalists, and professionals from around the state. Several advisory boards provide members of the staff with expert guidance in specific fields such as education, publications, and fund raising. The Center is forbidden by law from lobbying or otherwise attempting to influence directly the passage of legislation.

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N.C. Insight

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Cover Photo: In 1981, the General Assembly staff will spread from the legislative building (in background) into new quarters (under construction). Photo by Paul Cooper.

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In January, watch for the quiet, slow, loving style
Legislative Leadership
in 1981

by Ferrel Guillory

"I think the legislative branch is the most important of all...much stronger, much better and much closer to the people than it was when I came here 20 years ago." Rep. Liston Ramsey (D-Madison)

Deliberations during the 1974 General Assembly (L to R): Rep. Billy Watkins, (then) Rep. Jimmy Green, and Rep. Liston Ramsey.

Since 1972, Ferrel Guillory has been a political reporter for the Raleigh News and Observer, as chief capitol correspondent and head of the Washington Bureau. Now associate editor, he is responsible for the editorial page.

The legislators expected to be the most effective leaders in the 1981 General Assembly are, to a large extent, atypical lawmakers. They tend to be more experienced, less parochial, more partisan, less interested in another public office, and more interested in the legislature as an institution than their colleagues. Representatives Liston B. Ramsey, Allen Adams and William T. (Billy) Watkins and Senator Kenneth C. Royall, Jr. and Harold W. Hardison — all Democrats who are expected to have leading roles in the 1981 session — may seem like quintessential legislators to a casual observer. But close inspection makes clear that, as a group, they have

certain attributes that set them apart. Each of these five persons has succeeded in the internal politics of the institution, has devoted considerable time to governing, and has a special inclination for exercising power and maneuvering within the legislative process.

The state legislature, a difficult community to lead at best, is composed of men and women who represent local constituencies but must set statewide policy. They are "citizen" legislators, part-time public officials whose attention is divided between state government and personal professions. In addition, the legislature's structure and rules make it seem designed more to stop than to enact legislation. For a bill to become law generally takes a majority vote in two committees and twice in both the House and Senate. Falling short of a majority only once at any point in the process can kill a bill. There are 71 standing committees, each a power center of sorts, within the two houses.

Because of the nature of the General Assembly and because of political tradition, the most important leader of the legislature is not a legislator at all but rather the governor. He influences the legislative agenda more than any leading lawmaker and, as the most visible state official, can marshal public opinion behind his positions and programs. The governor loses in the legislative-executive power relationship in only one important aspect. He does not have veto power; acts of the General Assembly go directly into law.

On major issues, more often than not, the governor initiates and the legislature reacts. "There's really no room (for an alternative program)," says Lt. Gov. James C. Green. "The speaker (of the House) doesn't have a program," explains Ramsey, who is in line to become the 1981 speaker. And the legislator who does take the lead on an issue, to be effective, usually enlists the governor. "A legislator who's got a good plan would be a fool not to go to the governor," says Royall, a veteran legislator.

In reacting to the executive, the North Carolina General Assembly does not differ from the U.S. Congress, where committees seldom act on legis-

lation without first soliciting the views of the president and his cabinet departments. Nevertheless, North Carolina legislators often remain jealous of their institution's prerogatives as a co-equal branch of government, including giving close scrutiny to the governor's initiatives. In the 1981 session, the legislator likely to be most forceful in asserting those prerogatives is the blunt, no-nonsense, yet unpretentious, man preparing to take over as House speaker, Liston Ramsey of Madison County.

Mr. Speaker...Mr. Ramsey

Two things, in particular, illuminate the way in which the 61-year-old, nine-term legislator thinks. He is a mountain Democrat, who has been shaped by the often-fierce Democratic versus Republican politics of western North Carolina. And he views himself as a professional legislator and politician, while most other Tar Heel lawmakers still pay homage to the "citizen" legislator ideal. "I want to be professional at something," Ramsey says, chuckling.

A retired building materials merchant, Ramsey has more time than most legislators for government. He serves on the Advisory Budget Commission and the governor's blue-ribbon highway commission. Even when the legislature is not in session, he travels to Raleigh two or three times a month—a 570-mile round trip from his hometown of Marshall to the state capitol. "Obtaining and maintaining political power is his whole life," says a former legislator.

Yet Ramsey's ambitions have taken him as far as he wants to go, as he puts it, to the "top spot." "There is no other job in state government I'd accept other than being a House member and being speaker," he says. Consequently, the 1981 General Assembly almost certainly will be free of the kind of tensions present from 1977-80 between Lt. Gov. Green and House Speaker Carl J. Stewart, Jr., culminating in Stewart's unsuccessful challenge of Green in the 1980 Democratic primary for lieutenant governor.

**When Green was speaker in the mid-1970s,
he appointed Ramsey chairman of the
powerful Finance Committee.**

Ramsey will not compete with Green for statewide office. Moreover, the two men have been legislative allies in the past. When Green was speaker in the mid-1970s, he appointed Ramsey chairman of the powerful Finance Committee. Now, Green can hardly contain his glee at the prospect of Ramsey as speaker: "If you go back through history, I doubt you'll find a speaker and a lieutenant governor who were as compatible as myself and Liston Ramsey."

While Green and Ramsey indeed share many of the characteristics of traditional rural legislators, it would be a mistake to think of them as political twins. Ramsey, in fact, has a strong streak of New Dealism and populism absent from Green's tight-fisted conservatism. Ramsey has advocated tax cuts for lower income families, whereas Green has not been a champion of tax reform. He has supported the Equal Rights Amendment and gubernatorial succession, which Green opposed. And the new speaker is closer to Gov. James B. Hunt, Jr. than is the lieutenant governor, personally and in political philosophy.

"When it comes to taxpayers' money, I'm a conservative," says Ramsey. But he's quick to add, "In a rural county, with a low per capita income, these people fare better under a more liberal type of federal government...Of course, it's the same

for the state."

Ramsey's style of leadership may surface most visibly in his committee assignments. He might well try to prevent legislators from the banking, manufacturing, insurance, and other special interests from dominating the committees handling legislation affecting their businesses. "There will be a lot closer examination of the proposals by the special interest groups," says Al Adams, a Wake County legislator and a close Ramsey ally. Ramsey also favors legislators who will stand firm for the House position in budget negotiations with the Senate. Last session, says Adams, "With (Senate leaders) Hardison and Royall up there in the appropriations process, they (senators) were calling the shots...I'm sure Liston will take care of that situation."

Key appointees, says Ramsey, will be Democrats with seniority, but there will also be a fairly wide dispersal of assignments. "I'm not going to let one person occupy three or four positions," says Ramsey. "If more House members are involved, then I will have been a good speaker." Such a dispersal allows Ramsey to favor a large circle of legislators, who in turn will be indebted to him, but it also keeps the speaker himself as the supreme power center in the House.

Ramsey will probably surround himself with

Rep. Al Adams before House Banking Committee, June 1980.



*Photo by Ken Cooke
Fayetteville Observer*

co-leaders from a wide geographical and philosophical spectrum. House members mentioned as potential leaders under Ramsey are Billy Watkins, Allen Adams, George W. Miller, Jr., Gordon H. Greenwood, and Allen C. Barbee. (See accompanying box for more information on these representatives.)

On The Senate Side

While the House awaits a rearranging of its leadership with Ramsey moving in as a new speaker, the Senate faces four more years under the gavel of Lt. Gov. Green, a stern taskmaster who sets a drill-sergeant's pace for lawmakers. Technically, the lieutenant governor is not a legislator but a part of the executive branch with duties to be assigned by the governor. However, because of his political differences with Gov. Hunt, Green has had few executive duties.

His relationship with Hunt and his experience (eight terms as a state legislator before becoming lieutenant governor) have driven Green to concentrate on his role as presiding officer of the Senate. A tobacco warehouseman and a legislator of the old school, Green knows parliamentary tactics and relies on those lawmakers he trusts and who have supported him. Unlike some modern legislators who seek out and enjoy repartee with the media, Green deals with the press reluctantly. Reponsive to the conservative-business wing of the Democratic Party, Green's leadership is the "epitome of cronyism," according to a senator working under him for the past four years.

Looking back on his legislative career, Green takes pride in several specific acts which he shepherded through the General Assembly, such as the rewriting of the state's highway laws, which established a formula for deciding the number of paved secondary roads each county would get. "(That) germinated right here," Green recalls, his right forefinger tapping his temple.

But above all, Green has concerned himself with the state budget, not so much about what can be added to it, but what can be taken out. His campaign literature has depicted Green as "trouble" for the "big spenders in state government." In particular, he stressed examination of the base or "continuation" budget, those appropriations that finance existing operations at their current level. He feels that government has expanded so fast in recent years that some programs which should be phased out have gotten permanent "line-item" status in the continuation budget.

"Money is always the principal concern of any legislative session," says Green. "It's more important to take a look at what's in the continuation

House Leaders for 1981

Billy Watkins. A lawyer and conservative from Granville County, Watkins served as majority leader in the 1973-74 sessions under former Speaker James Ramsey. He has also chaired the Base Budget Committee.

Al Adams. A Raleigh attorney in the firm that still bears the name of former Gov. Terry Sanford, Adams has been an outspoken opponent of legislation sought by financial institutions, an advocate of tax reform, and generally a moderate-to-liberal voice in the House. Adams shares with Ramsey a passion for politics and for the Democratic Party. Ramsey often has dinner at Adams' home, where the two spend long hours talking about politics and government.

George W. Miller, Jr. A Durham lawyer, who sponsored ERA ratification legislation in 1979, Miller is regarded as an able, though not flashy, legislator.

Gordon H. Greenwood. A college administrator from Buncombe County, he served in the General Assembly from 1959-1967 and returned in 1977.

Allen C. Barbee. A farmer, broker, and developer, he lives in Nash County.

budget than what's in the expansion budget." As House speaker, he set up the legislature's first Base Budget Committee and instructed it to reduce spending in continuing operations of state government. As lieutenant governor, he appointed a Ways and Means Committee to coordinate spending proposals of the Appropriations Committee and taxing measures of the Finance Committee. And for 1981, he has promised a renewal effort at cutting the continuation budget.

In past years, the competition between Green and Hunt has made the Senate a tense and unhappy place to work. In 1977, for example, they struggled over whether Green would become chairman of the state Board of Education. Green's chief legislative ally, president *pro tem* Craig Lawing, asserted at the time, "It's getting pretty hairy around here." Hunt finally prevailed, and appointed his choice, Dr. David Bruton. Then, in 1980, a Green-Hunt race for governor became a possibility, but Green decided to run for reelection.

While Green and Hunt clearly remain divided

Senate Leaders for 1981

Harold Hardison. An oil distributor from Lenoir County and a traditional eastern North Carolina conservative, he chaired the Senate Appropriations Committee from 1977-80. Hardison tends to favor business over environmental and other governmental regulations.

Craig Lawing. A Charlotte auctioneer and real estate and insurance businessman. His position of leadership grows largely out of the support he receives from Lt. Gov. Green.

Kenneth Royall, Jr. A Durham County businessman, Royall is perhaps the legislature's leading expert on the state budget. He chaired the Ways and Means Committee from 1977-80.

by personal styles and political philosophies, the competition between them seems to be relaxing. Hunt cannot run for governor again in 1984. And Green does not appear to be bitter about past battles. Concerning the state Board of Education chairmanship, for example, Green says, "I don't recall any struggle that Jim Hunt and I had...the press blew it up." A more harmonious relationship between the governor and lieutenant governor should exist in 1981.

Green will likely depend on the same senators who have played leading roles under him in the past four years, including Harold Hardison, Craig Lawing, and Kenneth Royall, Jr. (See accompanying box for more information on these senators.) Of these three, Royall has the most influence on the General Assembly. But few outside of state government realize the extent of his power. "When

it comes to the budget area, he is as close to a god-like figure as you can get," says a public official. "He accomplishes a lot by sheer mystique...he loves power."

Like Ramsey, Royall can devote more time to governing than most legislators. The son of the United States' last Secretary of War, Royall developed a thriving furniture and household decorating business which his sons now direct. When the legislature is not in session, Royall spends at least three days a week on his governmental duties. Simply listing the bodies on which Royall serves gives some idea of the scope of his influence: the Advisory Budget Commission, the Legislative Services Commission, the Government Operations Commission, chairman of a mental health study commission, the governor's commission on the retarded, a committee on wilderness camps, and a committee on the hearing impaired. He also chairs the Southern Legislative Conference and serves on the board of the National Conference of State Legislatures.

Royall has extended his power because he knows how to master the most critical information for a legislator. "I spend a considerable amount of time studying what is going on," he says. "Being prepared is the name of the game." Since most legislators have neither the time nor the inclination to study things in the depth Royall does, lawmakers often go to him for details, for analysis, and for budget figures, which he can often quote from memory. His key position in the legislature gives him considerable influence on executive agencies as well. "If they're unreasonable, I don't mind telling them," says the Senator.

Sen. Royall shares with Rep. Ramsey a deeply-held interest in the legislature as an institution. Though he once briefly contemplated running for governor, Royall's tenure as a public official has been marked by efforts to strengthen the power of legislators. For example, he has promoted legislation to divest the lieutenant governor of the power to appoint Senate committees and to give the legislature greater control in the implementation of the state budget. Similarly, Liston Ramsey pays

**"Money is always the principal concern
of any legislative session."**

Lt. Gov. Jimmy Green



**“A legislator who’s
got a good plan
would be a fool
not to go
to the governor.”**

Sen. Ken Royall

Sen. Kenneth Royall in the Senate Chamber, January, 1979.

special attention to legislative rules and has the highest regard for the legislative branch because of its direct relationship with citizens. “We are the only tax levying authority,” says Ramsey. In preparation for 1981, Ramsey plans to draft a manual for committee chairmen. Moreover, Ramsey rejects the notion that a special panel independent of the General Assembly should be set up to handle reapportionment — perhaps the most publicized issue before the 1981 legislature — on the grounds that it is the legislature’s duty to redraw legislative districts.

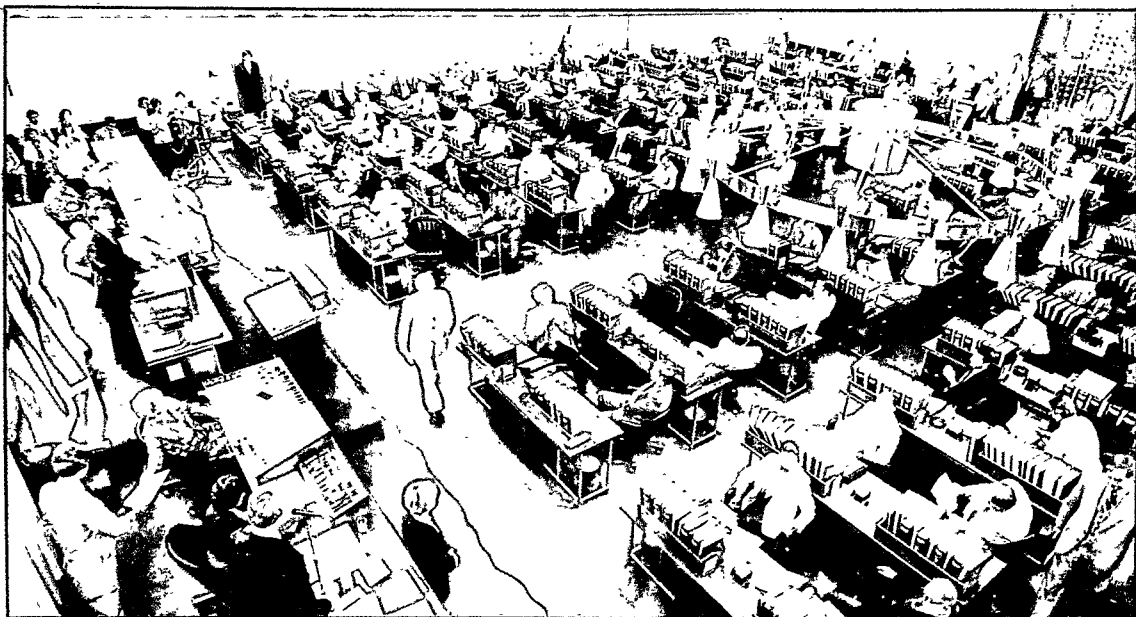
The Major Task — The Legislature Itself

Dedication to the legislature as an institution, which many of the 1981 leaders have, is a particularly crucial attitude. “Leadership is required to help pull things together and set priorities...to counsel, stroke, and hold hands as well as take the heat and protect members on occasional issues,” says Alan Rosenthal, director of the Eagleton Institute of Politics at Rutgers University. “It is required to negotiate with the governor on behalf of the legislature... It is required to take responsibility for the legislature as an institution.” But Rosenthal, in a recent speech to Florida lawmakers, noted a trend toward legislators increasingly using the legislature as a political stepping stone and seeking increased power and autonomy. This has contributed, he said, to a weakening of the legislature, which de-

pends on teamwork among leaders and followers.

The North Carolina General Assembly has suffered, in the past, from leadership that was too parochial, that hoarded power, that was responsive to special interests and lacked a broad vision of the needs of the people of a relatively low income state. The state has generally had a cautious, conservative legislature, pushed periodically to spurts of reform and progressive legislation generally by activist governors. Although it has made giant strides in improving its internal operations in the past decade, the North Carolina legislature is not immune to the trends — cited by Rosenthal — towards diffusion and individual initiative in which legislators worry more about their own political futures than about the future of the institution.

But in his speech, Rosenthal spelled out a challenge to legislative leaders for which lawmakers like Ramsey and Royall may be particularly suited. “Leaders have a special responsibility,” he said, “not for pronouncements that get the attention of the state house press corps, but for quiet, slow, loving work. The major task for leaders, as I see it, is not education policy, not health policy, not social services policy, not even tax policy. The major task is the legislature itself — its role, its operation, its standing with the people, its future.” This is not the kind of leadership that captures wide public attention, but it is the kind of leadership North Carolina could get from people like Liston Ramsey and Kenneth Royall. □



ARTICLE II

A Guide to the North Carolina Legislature...

The second edition, for the 1979-80 sessions

"The cross section of sources used — legislators, lobbyists, and the media — makes *Article II* a valuable and creditable resource. I refer to it frequently."

— Rep. J. Howard Coble (R-Guilford)

"A guide to the jungle."

— *The Raleigh Times*

"The handbook was invaluable to me as a lobbyist."

— Charles Case, Raleigh attorney

Copies of *Article II* are available from the Center. To order your copy, see the card inserted in this issue of *N.C. Insight*.

Below are two profiles of influential legislators who will be serving in the 1981 General Assembly. Of the 170 members profiled in *Article II*, 126 will be returning to the 1981 session.

LISTON B. RAMSEY

Democrat; 44th District
Madison County
Room 2202; Seat 47
919-733-5606



1961, 1963, 1967, 1969
1971, 1973, 1975, 1977
1979

Business Address

Walnut Creek Road
Marshall, N.C. 28753
704-649-3961

Home Address

Walnut Creek Road
Marshall, N.C. 28753
704-649-3961

Occupation

Merchant (retired)

Education

Mars Hill Coll. 1938

1978 Campaign Information

No. Registered Voters: 51,025
Total Votes Received: 17,587(U)
Campaign Contributions: \$1,940.84
Campaign Expenditures: \$3,185.01

Committees

Rules - Chairman; State Government - Vice Chairman; Courts and Judicial Districts; Election Laws; Finance; Transportation.

Selected Bills Introduced (1979)

Bill No.	Issue	Action
H197	Local Bill Filing Deadline	R
H336	Court Clerk Added in Swain	PPH
H398	Notice of Public Office Appointment	R
H874	Balanced Growth Policy Act	R
Total Introduced: 6		

Where He Stands . . .

Bill No.	Issue	House Vote	His Vote
H183	Open Meetings	89-24	Y
H1182	Judges/Lawyers	75-39	—
S171	Domestic Violence	104-12	Y
S266	Community College Board	104-5	Y
S383	Religious School Deregulation	91-15	Y
S389	New Generation Act	98-8	Y
S526	Private School Qualifications	69-32	—
S560	Fair Sentencing	103-8	Y
S614	Savings and Loan Conversion	92-10	Y

Notes:

KENNETH C. ROYALL, JR.



1973, 1975, 1977, 1979
(1967, 1969, 1971)

Democrat; 13th District
Durham County
Room 1402; Seat 46
919-733-5870

Business Address

P.O. Box 8766
Forest Hills Station
Durham, N.C. 27701
919-489-9191

Home Address

64 Beverly Drive
Durham, N.C. 27707
919-489-2129

Occupation

Retailer

Education

A.B. UNC-CH 1940
LL.B. Wake Forest Law School 1942

1978 Campaign Information

No. Registered Voters: 89,454
Total Votes Received: 21,912
Campaign Contributions: 0
Campaign Expenditures: \$679.02

Committees

Ways and Means - Chairman; Rules and Operation of the Senate - Vice Chairman; University Board of Governors - Vice Chairman; Appropriations; Base Budget; Finance; Human Resources; Public Utilities and Energy; State Government; Transportation.

Selected Bills Introduced (1979)

Bill No.	Issue	Action
S1	Amend U.S. Const. for Balance Bdgt. - I	R
S585	Cancer Control Services Study	R
S586	Science and Technology Bd. Created	R
S770	Optometry Redefined	RCS
Total Introduced: 7		

Where He Stands . . .

Bill No.	Issue	Sen. Vote	His Vote
H183	Open Meetings	43-0	Y
H1182	Judges/Lawyers	32-16	Y
S171	Domestic Violence	37-5	Y
S266	Community College Board	38-2	Y
S383	Religious School Deregulation	45-1	Y
S389	New Generation Act	44-0	Y
S526	Private School Qualifications	47-1	Y
S560	Fair Sentencing	46-3	Y
S614	Savings and Loan Conversion	32-14	Y

Notes:



Women Legislators

facing a double bind

by Kathy Shinkle

"I want to blaze a trail for other women. I know that years from now there will be many other women in politics."

— N.C. Representative Lillian Exum Clement, 1923

"I realize I'm rather a pioneer in this. I feel the women who come after will have an easier time."

— N.C. Senator Rachel G. Gray, 1980

Sixty years after Buncombe County elected the first woman to any southern state legislature, North Carolina women legislators still feel like trailblazers. Lillian Exum Clement, a 26-year old attorney from Asheville, defeated two male opponents for the nomination in 1920, the same year the 19th amendment to the U.S. Constitution gave women the vote. When Greensboro businesswoman Rachel Gray reached the General Assembly in 1977, the "pioneer" legislators were only beginning to grow in numbers, and in power.

Lillian Clement served on seven House committees in her first session, including appropriations and the judiciary, and she chaired the Committee

on Institutions for the Deaf and Dumb. Of the 17 bills she introduced, 16 became law. In 1925, her death cut her career short, but that same year Mecklenburg County sent Julia M. Alexander to the House, followed by Carrie Lee McLean in 1927. Both attorneys, they each served one term; Rep. Alexander died in 1927, and Rep. McLean was defeated in a 1929 bid for the Senate. In 1931, Jackson County elected Gertrude McKee North Carolina's first woman senator. She also served in 1937 and 1943, non-consecutive terms because of a rotation agreement which then gave the county a Senate seat only every six years.

Throughout the 1930s and 1940s, most General Assembly sessions included a woman, sometimes two. Not until 1949, however, did two women, both from Mecklenburg, serve together in the House, and not until 1967 did the Senate have more than a single woman. That year, three women served in the upper chamber, prompting the installation of "modesty panels" on all desks. During the 50 years after Lillian Clement broke the barrier, only two women, both in the House, built up any significant seniority. Grace Taylor

Rodenbough from Stokes County served seven terms (1953-66), and Nancy W. Chase represented Wayne County for eight (1963-78).

During Ms. Chase's last terms, the number of women legislators started growing: in 1973, one senator and eight representatives; in 1975, two senators and 13 representatives; in 1977, four senators and 20 representatives; and in 1979, five senators and 17 representatives. In 1979, those 22 women legislators constituted 12.9 percent of the General Assembly, the largest percentage of women in any southern legislature and 14th nationally. While women were 51 percent of the population, they held 10.3 percent of the seats nationwide.

During the last decade, changes in the American society as well as events in North Carolina have contributed to the rapid increase in the number of women legislators. Throughout the country, women have moved outside the home, facing discrimination in the male-dominated business world

and in some cases gaining acceptance. In North Carolina, two factors reinforced this nationwide pattern: the prolonged fight over ratification of the Equal Rights Amendment (ERA) and the presence of the bi-partisan North Carolina Women's Political Caucus (NCWPC).

In 1973, when ERA first came up for a vote, most of the nine women legislators in the General Assembly favored it and never expected it to fail. "We expected it to pass. We didn't think there would be any hassle," recalls Rep. Patricia S. Hunt (D-Orange). Throughout the 1970s, the amendment remained highly visible and controversial, bringing more and more women into the political process on both sides of the issue and teaching them practical political skills. Coalitions of women's groups emerged, including many not previously active in politics. Some organized specifically around the ERA, such as "Mothers Against ERA" or "North Carolinians United for ERA." Others which had already formed around a broader range of women's issues began to focus extensively on ERA, particularly the NCWPC.

Organized in early 1972, the NCWPC emerged as a potent political force about the same time as many of today's strong women legislators, most of whom share the Caucus' views and look to its members for assistance and support. At the national level, the Caucus has worked to elect women; in North Carolina, this goal has taken second place to the ERA ratification effort.

These three factors — the changing roles of women, the ERA fights, and the Caucus — resulted in women legislators who were mostly highly educated, independent-minded, and from urban areas in the Piedmont, where the Caucus had built its greatest strength. Of the 22 women legislators in 1979, five were from Mecklenburg County, four from Guilford, three from Forsyth, and two from Wake. Only one of the remaining eight came from a rural community. Most had attended college; a third had earned advanced degrees; and two-thirds had held business or professional positions, primarily in education.

"We had to be sort of independent to get here in a man's world," says Rep. Bertha Holt (D-Alamance), a 64-year old attorney who was the only woman in her class at the University of North Carolina Law School. When a woman reached the General Assembly, explains former State Caucus President Danya Yon, it is often the final step in a long career of community service. For men, says Yon, it's often an early step to a political career.



Photo by Steve Murray, Raleigh News and Observer

A free-lance reporter, Kathy Shinkle writes for the Charlotte News and edits the newsletter of the 200-member Charlotte Women's Political Caucus. She also serves on the Mecklenburg County Commission on Women.

Getting Elected — Only the First Step

After getting elected, freshman legislators — men and women — begin the slow process of building trust and respect and learning how to maneuver through legislative channels. Experienced colleagues can help speed the process, but, as in business, women have not often found mentors. Not long removed from the smoke-filled, club-like “sessions” in Raleigh’s Sir Walter Hotel, male legislators have been slow to accept women as their peers.

“It was, ‘Oh you pretty thing, how nice to have you here,’” recalls Sen. Carolyn Mathis (D-Mecklenburg), who entered the House in 1973. As late as 1977, Secretary of State Thad Eure placed the four women senators in their own ghetto on the back row. Sen. Mathis, then a Republican, had women on one side and Republicans on the other. “He was completely sincere,” she says. “He wanted me, as the one Republican woman, to feel secure.”

The arrival of more women and growing seniority among them has resulted in changing attitudes among the men — and women. “We (used to) sit still,” says Rep. Patricia S. Hunt (D-Orange). “We would not talk. Now we are much more willing to speak up even if we know we are not going to win.” Becoming more assertive, according to many women legislators, means that they are now listened to and sought out for advice in areas where they have expertise.

Women in politics consistently name Patricia Hunt, a four-term representative, as the most influential woman legislator. Her status and effectiveness, apparent in her assignments and her ability to get legislation passed, stem from hard

“It was ‘Oh you pretty thing, how nice to have you here.’”

Sen. Carolyn Mathis

work, political skills, strong ties to the House leadership, the trust of her peers, and seniority. (In the last two sessions, a four-term legislator in either chamber was senior to at least two-thirds of the other members.) In 1979 this combination helped Hunt gain the chairmanship of the powerful Judiciary III Committee.

One measure of the growing power of women legislators is committee assignments. In 1973, Rep. Chase headed the Health Committee, and two women were vice chairmen of other committees. By 1979, women led two Senate committees and eight in the House and were vice chairmen of eight in the Senate and 16 in the House. In addition, segregated seating of women had ended, and more subtle signs of acceptance became evident, such as men saying “person” instead of “he”

Rep. Patricia Hunt on the floor of the General Assembly.



Photo by Jackson Hill, Raleigh News and Observer



Meeting of the Public School Finance Subcommittee of the Legislative Research Commission (LRC). Rep. Lura Tally (D-Cumberland) (sitting at table), one of the two women on the LRC, has responsibility for this subcommittee.

when referring to all people.

But as skillful and respected as women are becoming in the legislature, none has yet reached a position of real power. No woman has been elected lieutenant governor or speaker of the House. None has been appointed to the Advisory Budget Commission or to chair an appropriations committee or sub-committee, and none has been appointed forthright to the "super sub," the joint appropriations committee making final budget decisions.* Moreover, some women legislators still feel that despite the closing of the Sir Walter Hotel to legislative dealings, important decisions are made in private and merely ratified in committees and on the floor.

"Hardball" Politics

During the 1970s, women legislators often depended on idealism. Many of them saw issues like ERA in strong moral and ethical terms, trusting in the intrinsic "rightness" of their positions to prevail once the facts were presented. This translated into a belief that doing their homework and attending meetings would automatically spell legislative success. "I was very naive. I thought if I did lots of reading and research the facts would fall into place," recalls Sen. Mathis. "I found that wouldn't work. I just had a lot to learn about politics."

But women have joined the world of "hardball"

politics, where success depends on working with people holding different convictions, dealing and trading on practical as well as philosophical grounds. Within this world, a woman faces a double bind that a man does not. On the one hand, she has to overcome the stereotype of the female legislator only interested in women's issues. On the other, refusing this special identification tends to minimize the unique power that might come with it.

While the number of legislators is not sufficient to guarantee passage of a bill, their growing numbers have created a potentially effective voting bloc. Standing together, women legislators could contribute significantly to the passage or defeat of

Rankings of Women Legislators

For the last two terms, the N.C. Center for Public Policy Research has surveyed legislators, lobbyists and the media for a rating of legislators' effectiveness. In 1977, Rep. Hunt ranked 12th among the 120 House members, the only woman in the top quarter. Six were in the second, six in the third, and six in the fourth. In the 50-member Senate, no woman was in the top quarter. Sen. Katherine H. Sebo (D-Guilford) was 24th, two women were in the third group, and one in the fourth.

In 1979, rankings generally rose for those with experience. In the top quarter of the House were Reps. Hunt (10th) and Margaret Tennille (D-Forsyth) (25th). Seven women were in the second group, two in the third, and six in the fourth. Sen. Mathis (18th), in the second quarter, topped the Senate women. Two were in the third group, and two in the fourth.

**In 1979, after women complained bitterly about their exclusion from the "super sub," Rep. Hunt was added to the committee. But the Senate refused to name an additional member which upset the numerical balance. House Appropriations Chairman Edward S. Holmes "theoretically" removed himself, explains Rep. Hunt, allowing her to stay. "So we did have a voice," says Hunt. Yet her position remained so unclear that even other women legislators still believe no woman has served on the "super sub."*

**“ERA is just one
of my priorities
but I’m sure they
(men legislators) perceive
it as the only one.”**

Sen. Rachel Gray

proposed legislation. Their bloc of votes, if unified, could be a powerful trading chip in the “hardball” world of legislative politics. But it hasn’t worked that way yet. “Women have been very hesitant to trade votes; they don’t understand how,” says Miriam Dorsey, executive director of the N.C. Council on the Status of Women. “A lot of women are still afraid to use the power they have.”

At the same time, overcoming the image of being interested only in women’s issues has been difficult. “ERA is just one of my priorities,” says Sen. Rachel Gray (D-Guilford), the sole woman on the Senate Banking Committee, “but I’m sure they (men legislators) perceive it as the only one.” The fact that women often sponsor bills concerning abortion, sexual abuse, displaced homemakers, sex discrimination, and daycare — usually identified as “women issues” rather than “people issues” — reinforces the stereotype. Among women themselves, moreover, these are topics often “fought over most bitterly,” says Rep. Hunt. Some legislators have given the impression of focusing on issues associated with women because they are so aggressive, explains Rep. Margaret Tennille (D-Forsyth). “But you name it and they’ve been involved — in education, juvenile justice, human resources, and mental health.”

An informal women’s caucus met frequently during the 1973 and 1975 General Assembly sessions, but more for camaraderie than for political strategy, according to many of the participants. In 1977, the group disbanded. “We didn’t want to be recognized as a caucus — men didn’t have a caucus,” says four-term Rep. Jo Graham Foster (D-Mecklenburg). “We just wanted to be members of the General Assembly.” In 1979, the pro-ERA women — those against the amendment were



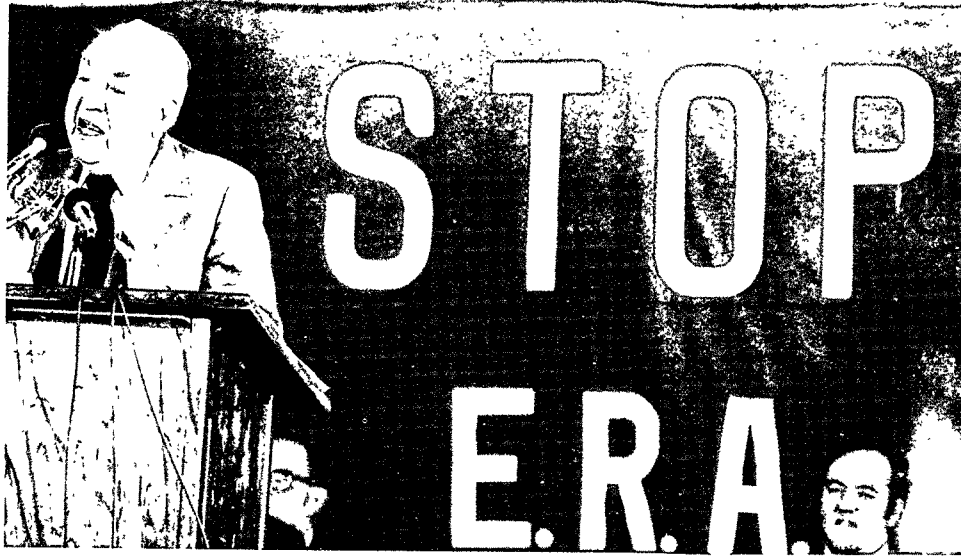
Actor Alan Alda, the featured celebrity at a pro-ERA reception in Raleigh, January 21, 1979. Former Raleigh Mayor Isabella Cannon is at right.

invited but did not participate — met informally several times to discuss ERA and other issues.

This reluctance to focus on a “women’s” strategy was unexpected by some. “I was used to seeing women stick together in Congress and in other states,” says Rep. Ruth Easterling (D-Mecklenburg), a past national president of the Business and Professional Women’s Club, who began her first term in 1977. “I was surprised they didn’t want to get together here.” In North Carolina, they have tended to work in the way Rep. Ruth Cook (D-Wake) describes: “Women legislators in the main represent their constituents. That’s their first responsibility . . . stronger than any responsi-

Women in Leadership Roles in N. C. General Assembly

	1973	1975	1977	1979
SENATE				
Chairmen	0	0	0	2
Vice-chairmen	0	2	2	8
HOUSE				
Chairmen	1	2	4	8
Vice-chairmen	2	10	21	16



Former U.S. Senator Sam Ervin speaking against the ERA, January 22, 1977.

bility to each other.”

The Post-ERA General Assembly

Next year, the General Assembly will most likely vote on ERA for the last time.* Ratification would symbolize the prominence and prestige women legislators have achieved over the past 10 years. Even if it fails again, though, the gains women have made in the legislature are not likely to erode. Most women incumbents who return next year will be in their third, fourth, and fifth terms. That seniority, coupled with the good reputations their accomplishments have earned them, should result in important committee assignments and leadership roles, including more influential roles in the appropriations committees. In the House, women

legislators are optimistic that the new speaker, expected to be Liston Ramsey, will use the same criteria — ability, interests, and seniority — for women as for men in making appointments.

Twenty-two women will come to Raleigh for the 1981 session, 19 representatives and three senators (only three of the five senators ran for re-election), a slight decrease from the 1979 total. But looking ahead ten, four, or even two years, more and more women from all political persuasions will probably be elected to the General Assembly for several reasons. With ERA settled, the NCWPC will be able to focus on its goal of recruiting and grooming women candidates. Many of these potential legislators already hold local elective or appointive office, while others continue to develop their political skills in campaigns and party work. Even in Charlotte, where nearly half of the 400 members of the Caucus live, women's issues alone are not enough to win an election, so women are helping each other increase their credentials and visibility in civic and business affairs. And there is no reason to believe that women in the anti-ERA movement will drop out of politics, either. Finally, redistricting based on the 1980 census should bring additional seats to urban areas where women are more likely to run and win.

Once in the General Assembly, new women members should have an easier time finding mentors among those now serving, thus shortening the learning process. Past mistakes will probably not be repeated as women increase their political prowess and their ability and willingness to exercise their power. Thus the women legislators will continue to build upon the steps taken and the gains made by the pioneer women representatives and senators of the last 60 years. □

**The ratification deadline for the ERA has been extended to 1982. If a definitive action is taken in 1981, the issue cannot be revived in the 1982 session.*

Increase in Number of Women in N.C. General Assembly

SENATE			HOUSE		
1953	0	1	1967	3	1
1955	0	2	1969	2	1
1957	0	1	1971	0	2
1959	0	3	1973	1	8
1961	0	5	1975	2	13
1963	0	5	1977	4	20
1965	1	5	1979	5	17

The Budget Session — a permanent fixture?

by Jack Betts

Twenty years ago this coming February, the 170 members of the General Assembly convened for the last time in the old Capitol.

In 1963, they strolled down the hill to a sparkling new marble, brass, and cinderblock mausoleum to conduct the peoples' business. The lawmakers settled into their new quarters in much the same way they had been settled in the old Capitol. They still came to Raleigh during January of the odd-numbered years, at a date fixed either by law or the Constitution. When they got good and ready, usually after five or six months, they left. Good and ready usually came a day or so after the Appropriations Committees finished work on the state's biennial budget, occasionally in May, a few times in July, but usually sometime in June.

During World War II, the sessions were abbreviated — January 6 to March 10 in 1943, January 3 to March 21 in 1945. By the 1950s, a five-month period was the norm. Occasional special sessions were called by the governor or the legislators to enact "emergency" bills, such as the Speaker Ban Law (1965), or to deal with a budget matter that couldn't wait for the next regular session to roll around in the odd-numbered year.

While legislators and governors have come and gone since the move 20 years ago, more permanent fixtures have arrived at the new legislative building. Professional staff members have been hired and computers installed. An electronic voting machine now records votes in the beat of a heart. And in 1973, the groundwork was laid for what may become one of the most important permanent fixtures of the future — the Budget Session.

Coming to Raleigh in the Even-numbered Years

Throughout the 20th century, Democrats had controlled the legislature and the governor's office. But in 1973, they were suddenly faced with their first Republican

governor. At the same time, they had to make up an increasingly complex two-year budget which had reached \$4 billion. Some say the legislature decided to come back the next year for a second session just to keep an eye on the Republicans in the governor's mansion. Others feel the growing budget brought them back. In any case, the General Assembly reconvened in January of 1974, the first "regular" session in the 20th century during an even-numbered year. They stayed for three months before going home, apparently satisfied that the seat of government was in no undue risk of tumbling.

The next session, in 1975, ran to its usual five months, just as the recession was setting in. The economy remained stagnant throughout the year, causing state revenues to fall \$288 million short of the two-year budget passed in 1975. In theory, the Advisory Budget Commission (ABC), the powerful budget-making committee of legislators and gubernatorial appointees, exists, among other reasons, to act as a safety valve in such situations, making certain interim budget changes as needed. But the legislators decided to make sizable budget cuts themselves — to come back in 1976 for a short session. It would be limited, they said, to the budget, and any other item that a two-thirds vote of each house wanted to take up. It would be, they said, the "budget" session.

But in that first official money meeting, the General Assembly took up matters other than just the budget. In 1976, medical malpractice insurance rates were causing a stir. Besides making the budget cuts — the reason they came back to Raleigh in the first place — the legislators approved a new way of insuring doctors. Then they went home.

In 1978, another phenomenon developed.

Jack Betts is Raleigh bureau chief of the Greensboro Daily News. He has covered legislative activities in Washington (1972-76) and reported on four sessions of the General Assembly (1977-80).

When the Budget Session convened, supposedly for the purpose of reviewing the \$8 billion biennial budget adopted the year before, there weren't any cuts to make. Quite the contrary. There was \$279 million left in the kitty, from reserves and reversions (money appropriated but unspent). The honorables voted themselves a 25 percent pay hike beginning in the 1979 session and gave the governor a six percent raise. They found \$7 million for the N.C. State Vet school and \$8.5 million for a brand new state office building — one that would provide new quarters for the legislators themselves.

Just after the session closed, several lawmakers began realizing what had happened. "If we could have foreseen last year that we would have this \$279 million credit balance, I would have said, no, let's not have this session," Lt. Gov. Jimmy Green said in June, 1978. "Let's leave that money in the bank as an emergency cushion against the sort of shortfall in revenue we saw in the 1975 session. When we in this state are fortunate enough to experience a credit balance at the end of a fiscal year, all this money does not have to be spent. Some funds ought to be placed aside, a reserve for a time when we are not so fortunate, or should be used to reduce taxes."

The spending spree didn't consume the entire '78 session, however. There was also liquor by-the-drink. The Senate had approved local option liquor

by-the-snort in the 1977 session. While the dry forces seemed to have had it whipped in the House, they had not forced the vote that might have killed it in the 1977-78 session. In the 1978 short session, called the Budget Session by the legislators, the liquor by-the-drink bill — still alive in committee — came up for a vote in the House. It was promptly voted down. But the next day, it was miraculously resurrected, just in time to be approved and passed into law.

Lobbying the Budget Session

The experiences of the '76 and '78 sessions could have served as an indication of what might surface in 1980. But during the regular 1979 session neither Lt. Gov. Green nor House Speaker Carl Stewart took any effective initiatives to put stricter limits on the companion 1980 Budget Session. At the completion of business in 1979, the legislators adopted a resolution to reconvene June 5, 1980 "for review of the budget for fiscal year 1980-81 and for consideration of other certain bills." The official session of the legislature never really ended between 1979 and 1980; it simply adjourned. Hence "other certain bills" could be considered in 1980, includ-

The North Carolina House of Representatives on June 5, 1980, opening day of the "budget" session.



Photo by Jim Erickson, Raleigh News and Observer

ing those that had passed one of the houses of the legislature, reports from study commissions, and non-controversial local bills. Anything else would have to be approved by a two-thirds vote of each house.

When June 5 arrived, however, so did a resolution authorizing the legislature to consider 16 new bills — not bills that had some standing in committees, but totally new bills. The list included a couple of hot ones from the finance industry, long regarded as the most powerful lobbying group, along with insurance interests, in the legislature. Introduced in the House and Senate at the same time, the resolution for the bills required only a majority vote. To this day, no one is confessing to having come up with the resolution, or to managing it into a majority vote instead of the two-thirds prescribed for the Budget Session. Even though majority leader Liston Ramsey, who will be speaker of the House in 1981, refused to sponsor it, it passed. The finance bills went on the calendar and into the House Banking Committee. The Committee and the finance lobbyists began an intense struggle over credit legislation that had to run its course in the three weeks anticipated for the Budget Session.

The money lobby sought authority to remove or raise the legal limits on rates for most types of loans, and for a time it appeared that a carefully-crafted alliance of banks, finance companies, and businesses offering credit would succeed in winning

these goals. But Gov. Jim Hunt pronounced his opposition to them, and Rep. J. Allen Adams of Wake County outmaneuvered former state Sen. John Jordan, the chief finance lobbyist, in the House Banking Committee, where most of the bills were killed. An almost audible sigh of relief filled the great halls of the building. Members had been grumbling for weeks that the finance industry had sought too much at too poor a time. Barely five months before an election is not when legislators want to vote on raising loan rates.

It was the finance lobby's first major defeat in the legislature in recent history, and opinion divided on what it meant. Some argued that if the banks could be beaten once, they could be beaten again, but the old hands took a more seasoned view. "They'll be back," said one knowledgeable legislative staff member. "And if the economy's in the shape it is now, they'll get what they want."

The finance lobby wasn't the only group using the Budget Session for special concerns. Gov. Hunt came to the short session with a package of budgetary proposals which a Republican might describe as a "wish list," especially in an election year. Astute and well-organized, Gov. Hunt did not miss the opportunity to tap the three-week Budget Session for some adjustments to the state budget. Most importantly, the Governor sought and obtained legislative authority to change the way of financing highway construction from a total allocation method for a project to a "pay as you go" system. While this might well be a more modern and efficient way of doing the state's business, the timing could appear suspect.

This change in highway financing created a \$53

Rep. J. Allen Adams (D-Wake) (left) talking with John Jordan, lobbyist for the N.C. Bankers Association. This heated discussion, which took place in front of newsmen, followed a House Banking Committee meeting during the 1980 Budget Session.



Photo by Ken Cooke, Fayetteville Observer



This cartoon appeared in the *Raleigh News and Observer* on June 20, 1980, during the closing days of the Budget Session.

million budget surplus which had not existed when the legislators came to town. Putting this newly-created "surplus" with existing reserves and reversions, the appropriations committees expanded the 1980-81 budget by \$358 million. While the November election made raising the interest rates on loans a difficult package to swallow, passing a hefty 12.5 percent pay package for teachers and state employees took no worry at all. Just as the "pay-as-you-go" system might modernize highway financing, the teachers and state employees needed the salary boost to keep up with inflation. But these meritorious points are not the issue here. The three-week June session functioned in a much broader way than the stated purpose of a "review of the budget."

In 1976, the short session made budget cuts but also functioned like an emergency session, responding to the medical malpractice insurance crisis. In 1978, in allocating the extra monies available, the legislators expanded the Budget Session in such a way as to begin transforming the biennial budget process into an annual undertaking. By 1980, the Budget Session functioned as a short version of a regular legislative session, making annual budget decisions and considering totally new packages of legislation. Does this trend point towards eventual

annual sessions of the General Assembly? Or do legislators now recognize that the Budget Session has evolved beyond its original purpose?

The Future of the Budget Sessions

John L. Allen Jr., the General Assembly's Legislative Services Officer, detects some unhappiness among many legislators about the continuing use of the Budget Session for other matters. "There are some reservations about the mini-sessions," Allen says. "(The legislators) try to hold them to the basic things, but as you can see, they almost bust open."

Some legislators don't like dealing with so much shortly before general elections. Others are unhappy for the same reason enumerated by Green in 1978: if they didn't have to spend the reserves and reversions during the Budget Session, they'd have that much more money to allocate during the main budget-making process in the regular sessions.

State Sen. Harold Hardison, chairman of the Senate Appropriations Committee and politically close to both Green and Hunt, is weary of trying to do too much in so short a time during the Budget Session. "It was a good idea when it was originated," says Hardison. "It's a damn good idea to have your budget reviewed every year. But not to spend everything you have. That just tears your

reserves and your reversions up. If your budget needs some revisions, or some cuts, you can do it. But don't expand it, no sir."

Other legislative leaders are also suggesting that the Budget Session should be limited to a strict budget review, with only critical legislation considered when necessary. Rep. Adams, a close ally of the new House speaker, may want to address this issue in the 1981 legislature. "If we could realistically limit it to the budget, if we could effectively deal with all our other bills in the regular session, making sure they get considered, then I'd be for it," says Adams. "The tendency now is to say we can finish a bill in the short session if we see it isn't going to pass during the regular session, and that's bad."

But Jordan, who served only one term in the legislature but who operates as if he were a senior member, disagrees. "I think that would be a mistake to limit it, because you increase the likelihood of special sessions. If you have a budget session, you should leave it open-ended for emergencies. And the legislature can touch base just about every six months. I think most of them probably feel that the budget session is very perfunctory anyway, since the budget they approve generally tracks what is recommended by the Advisory Budget Commission."

Conclusion

The N.C. General Assembly, like its counterparts in other states, will continue to grow in the size of its staff, the number of bills introduced, and the actual quarters it fills. But the notion of the citizen-legislator is a time-honored tradition in North Carolina, revered despite the fact that the General Assembly has a high turnover rate. Being a legislator takes too much time and often too much income from careers to avoid this turnover. The average North Carolina lawmaker got about \$19,000 in salaries and expenses for the 1977-78 biennium, ranking the state 31st in the nation in compensation for legislators. The prospect of expanding the Budget Session towards the scope of a full session seems unlikely. Neither the sentiment nor the salaries for making the legislator a full-time professional exists. After the grinding work of passing the budget, the legislators are ready to quit Raleigh.

But the General Assembly may begin to change in ways that affect the Budget Session. "Most recently, legislatures have been... increasingly concentrating on governmental evaluation and oversight activities," says William Pound, director

In 1981, the General Assembly staff will spread from the legislative building (in background) into new quarters (under construction).

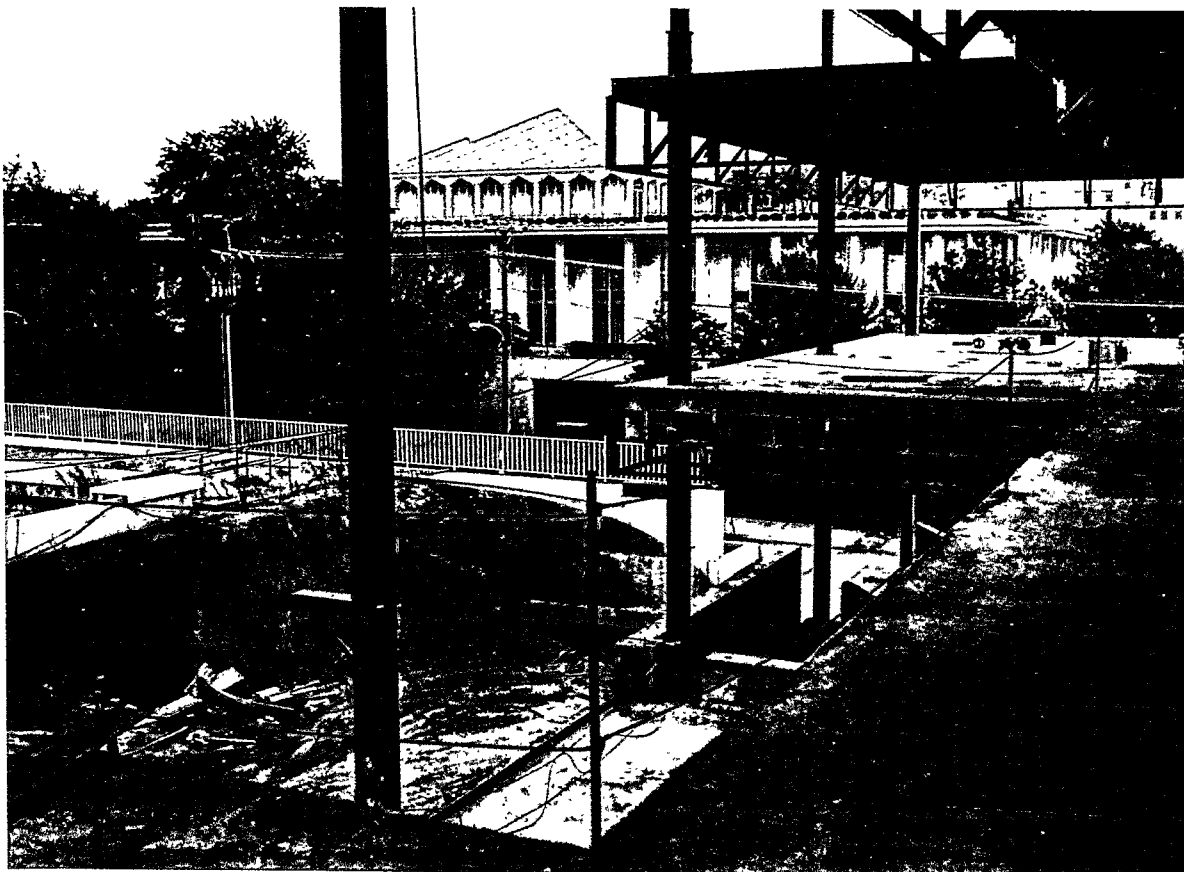
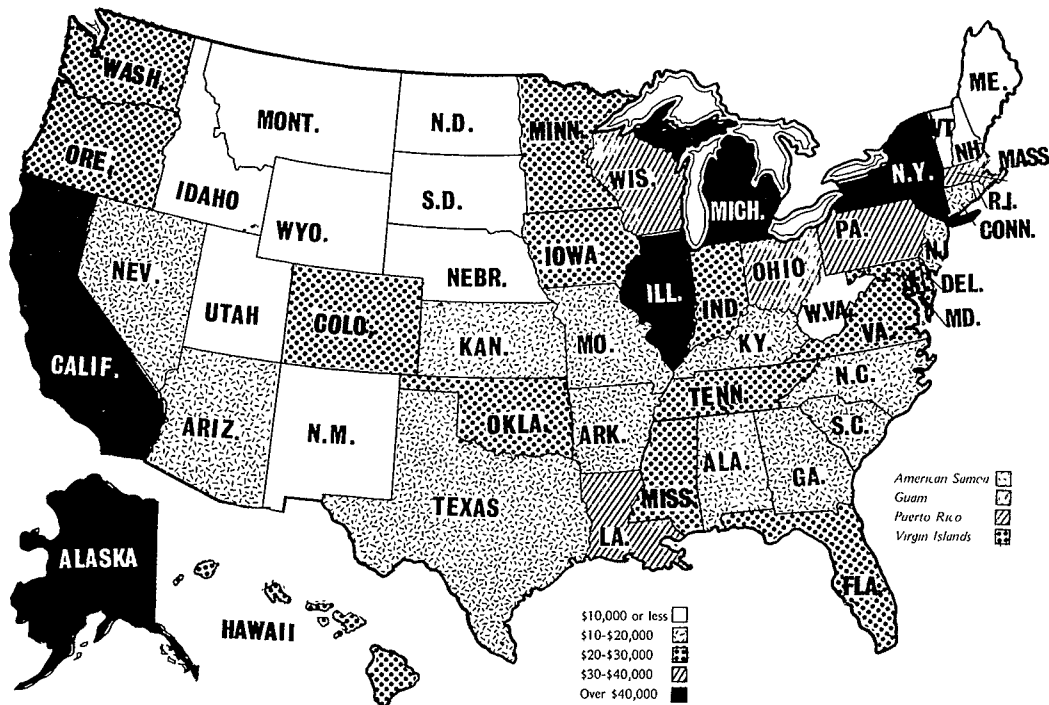


Photo by Paul Cooper

1977-78 Biennial Compensation for State and Territorial Legislators



Map courtesy of the Council of State Governments, Lexington, Kentucky.

of state services for the National Conference of State Legislatures (NCSL). "This has not meant a turning away from legislative improvement concerns. It implies an evolution of these concerns from the removal of constitutional restrictions on legislative activity, compensation, and session time, to making more effective use of legislative time and resources."

In the 1980 *Book of the States*, an annual publication of the Council of State Governments, Pound writes, "The 1980s will almost certainly witness a continuation of this search for ways to better utilize legislative time. Both the attempt to maintain the role of legislator as something other than a full-time profession and the need to provide time for legislative oversight activities will require this."

If the national trend applies to the North Carolina legislature, in terms of finding better ways to use legislative time, then the focus of the Budget Session may indeed change from its recent evolution as a short, but otherwise regular session. Legislators may once again turn to the "real" regular session for completing all of its main legislative business.

Any attempt to do so will no doubt be met with strong opposition from the Governor, who has gotten much legislation passed in the last two budget sessions. Many observers consider the office of governor in this state dominant over the

legislature, despite the absence of a gubernatorial veto. Especially in the last two sessions, the Governor had influence because of the prospect of his serving a second term. But in 1981, Hunt becomes a kind of lame duck governor. His influence in the General Assembly will diminish since the 1983-84 session will be his last as governor. Setting the agenda for the 1982 Budget Session might be easier for legislators, knowing that strictly limiting the short session curtails the activity of the chief executive.

Twenty years ago, North Carolina began to modernize the General Assembly. The new building provided space for attorneys and secretaries, for computer terminals and supporting services. In 1981, the General Assembly expands again, into the new office building across Lane Street, just in time for more bills, larger budgets, and greater oversight functions.

But the question remains: what will become of the Budget Session? The legislators now have had enough experience with the short session to know what to expect in the future. The experience of 1980 completed the evolution from budget overview to full-scale activities. If the legislators do hope to curtail the 1982 Budget Session, they will approach the 1981 session with a determination to write a biennial budget and to complete the major business. If not, they will be aware of what the opening gavel might bring come June of 1982. □



Anne Taylor (right) at the Legislative Library. A former lobbyist for the Sierra Club, Ms. Taylor is now regulating some of the laws she helped pass.

Lobbying for the Public Interest

by Ruth Mary Meyer

During the winter and spring of 1973, Anne Taylor spent more time in the cinder block labyrinth of the General Assembly than in the comfort of her Raleigh home. She logged more hours on 'round-the-state telephone calls than in carpools for her children and got paid no more for attending countless governmental meetings than she did for cooking her family's dinners. But her efforts paid off. In the right place at the right time, she helped rescue the \$11.5 million state parks appropriation from certain defeat by tapping a broad-based "environmental" constituency.

"The environmental coalition worked all night to bring our statewide networks into action," recalls Ms. Taylor, a lobbyist for the Sierra Club in 1973. "A deluge of phone calls and telegrams saved the bill." Like other "public interest" lobby-

ists, Taylor had begun to appear more and more frequently at legislative hearings and at the lawmakers' doors. The protests of the 1960s had turned into concerted activities "within the system" for the 1970s. New political groups championing a cause or seeking to bring about a reform mushroomed throughout the country. They descended upon the U.S. Congress and swept through the halls of state legislatures.

"It was a natural outgrowth of the activism of the Kennedy-Johnson era," says Rep. George Miller of Durham, a 10-year House veteran whose legislative career spans this period. "The country needed

Ruth Mary Meyer is former state president of the League of Women Voters of North Carolina (1975-79). She served as a League lobbyist during the 1971 and 1973 sessions of the General Assembly.

**“We don’t want (special interests) to use money
in a way that corrupts the public process.”**

John Gardner, 1980

a respite from the years of civil rights strife and anti-Viet Nam war demonstrations, and this seemed like a more peaceful way to get things done, by working through the system.”

What Is in the “Public Interest?”

While the numbers of “public interest” groups and lobbyists began growing in North Carolina during this period, they did not represent an entirely new genre of lobbyist for the General Assembly. The State Council for Social Legislation, for example, had lobbied for a wide range of social concerns since the 1920s, and the League of Women Voters had worked for legislative reforms since the 1950s, such as reapportionment of the General Assembly. But prior to 1970, the public interest lobbyist had almost always been a tangential force.

The escalation of public interest lobbying in the 1970s took several forms. Some lobbyists worked for a broad range of social concerns, from prison alternatives to public kindergartens. Others focused on single areas of interest — the environment, womens’ issues, welfare rights, labor needs, consumer complaints. At the same time, coalitions emerged, tapping the constituencies of many public interest groups, most notably around the Equal Rights Amendment and tax reform issues. Finally, near the end of the decade, lobbies became active around single-shot issues such as

abortion.

As public interest lobbyists multiplied, so did the study of this phenomenon. Writing in *Lobbying for the People*, published by Princeton University Press in 1977, Jeffrey Berry defined a public interest lobby as one that “seeks a collective good, the achievement of which will not selectively and materially benefit the membership or activists of the organization.” This definition excludes groups which engage in some public interest lobbying but have as their primary purpose the benefit and protection of their membership. The N.C. AFL-CIO, for example, worked for a wide range of issues during the 1970s, including the ERA and public kindergartens, but it acted as a special interest lobby when fulfilling its principal role of promoting labor legislation. Conversely, groups considered public interest lobbies by this definition might sometimes work for legislation of direct benefit to their constituency. For example, the N.C. Council of Churches, whose legislative agenda embraced many social concerns through the decade, occasionally functioned as a “church” lobby, protecting such “church” concerns as the tax exemption for a minister’s residence.

Establishing criteria for deciding which groups function as public interest lobbies leads to a more complex set of questions. In the August 24, 1980, issue of *The New York Times Magazine*, the Washington-based journalist Tom Bethell examined the 10-year history of Common Cause, a group

**“I have never known much good done by those
who affected to trade for the public good.”**

Adam Smith, 1776



Collins Kilburn, lobbyist for the N.C. Council of Churches, confers with Rep. Henry Frye (D-Guilford) (left) and Sen. Robert Wynne (D-Wake) (above).

which has worked primarily to reform campaign financing, committee seniority systems, and other governmental systems. Bethell attempted to show how some of the legislation Common Cause sponsored early in the decade has led to abuses rather than to reforms. To support a major point, Bethell quotes Adam Smith, the 18th century social philosopher. "By pursuing his own interest (the individual) frequently promotes that of the society more effectually than when he really intends to promote it," Smith wrote over 200 years ago. "I have never known much good done by those who affected to trade for the public good." Bethell gives the founder of Common Cause, John Gardner, a shot at responding to the laissez-faire sentiments of Smith: "I have said since we (Common Cause) began that the special interests are legitimate. Most people belong to one. The right to influence Government is clear in the right-to-petition clause of the First Amendment. Where we balk is that we don't want them to use money in a way that corrupts the public process."

While Bethell focuses on the national level, his most probing question applies to North Carolina as well. "Does public-interest lobbying make good law?" Bethell asks. In order to answer that question for North Carolina, one must first understand the role of the public interest lobbies in the 1970s — the kind of legislation they helped get passed, the ramifications of their successes, and the reasons for some failures. Then a reader cannot only grapple with the question Bethell raises, but might also have some insights into the future. Will public interest groups be able to sustain their influence in the political climate of the 1980s? If so, how will they be most effective?

What Role in Success?

In the early 1970s, influential legislators like Willis Whichard of Durham shepherded a series of environmental bills through interim study commissions and into law. The N.C. Environmental Policy Act, the Environmental Bill of Rights, the Mining Act, the Pesticide Law, and the Clean Water Bond Act all passed in 1971. In 1973, besides voting \$11.5 million for state parks, the General Assembly passed the Sedimentation Control Act and the Oil Pollution Act. Despite these successes, a difficult battle remained in 1974 over a complex piece of land-use legislation, the Coastal Area Management Act (CAMA). Whichard, the bill's chief sponsor, knew CAMA needed a favorable report from the interim study commission to boost its chances of success. Getting such a favorable report required the assistance of public interest lobbyists, people like Anne Taylor.

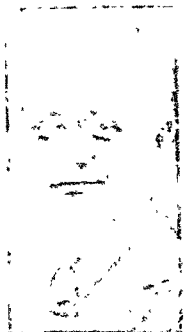
"They were very helpful in orchestrating the regional hearings on CAMA," remembers Whichard, now a judge on the N.C. Court of Appeals. "Members of the legislature simply could not go out and look for people to testify. The environmental groups did this for us. But there is no way environmentalists could have pushed this bill through alone. They simply don't have that kind of influence. Put them together with the times being right, the executive support we had for the bill, and favorable economic conditions — then their support adds a very positive dimension."

In 1975, Senator William Creech of Raleigh sponsored landmark legislation providing for "mainstreaming" into the public school system many handicapped children who were previously excluded from attending regular classes. Asked

Most public interest lobbyists agree with the sentiments expressed by Whichard and Creech to a certain point. But they feel that “the times being right,” as Whichard put it, didn’t just happen. “Certainly it’s true,” says one lobbyist, “that we wouldn’t get anywhere pushing bills that neither the legislature nor the public are ready for. “But,” she adds, “it’s often our spadework in educating both the public and the legislators that brings them to this point.”

Two of the most publicized failures came despite the joining together of public interest forces into coalition efforts – North Carolinians for Tax Reform (26 organizations) and North Carolinians United for ERA (49 organizations). The tax reform group formed in 1973 behind proposals put forth by Sen. McNeill Smith which emphasized removing the sales tax on food. The ERA coalition, active throughout the seventies, has depended upon many persons already involved in broad public interest efforts, such as members of the League of Women Voters and the American Association of University Women. Others joined the pro-ERA coalition because of strong feelings on this single issue.

The successes and the failures of the public interest groups point towards a distinctive pattern of lobbying. Most of the successes involved a great deal of public education as well as persistent lobbying efforts over several sessions of the legislature. Similarly, what have been listed as failures might well have served a valuable educational function among the legislators and with the public.



150 Attend Tax Reform Rally

darkness in front of the Legislative Building, many women and children. Blacks and whites demonstrated their support for tax reform legislation.

[illegible]

Courtesy of N.C. Council of Churches

Shortcomings of Public Interest Legislation

During the 1970s, public interest groups have been the driving force behind a wide range of successes — from consumer and environmental bills to prison reform and day care licensing (see box). Organizations have also lost sustained battles over such controversial measures as abolition of the death penalty, no-fault insurance, merit selection of judges, a bottle recycling bill, and a statewide land use plan. These remain on the agenda as “unfinished business.”

Has the legislation these groups have helped to produce really turned out to be in the public interest? Common Cause received wide praise for the election and governmental reforms it helped to bring about, for example, but these same reforms may have resulted in unintended consequences. Political action committees (PACs) have proliferated, apparently sapping the strength of political parties and creating new election dynamics at both state and federal levels.

Rigid reporting requirements may have spawned more secretive campaign finance systems than existed prior to the reform being passed. And single-issue interest groups have become prominent, and at times fearsome, factors in elections across this state as well as the rest of the nation.

While disclosure of the source of contributions still meets with wide approval, civil libertarians and others have called the limitations on the

amount of contributions an infringement on the right to free political expression. Common Cause still stands behind these limitations as a means of curbing the influence of wealthy contributors, but recognizes that they have caused some new abuses. These, the group contends, should be addressed

through new reform legislation as they become apparent rather than by scrapping the limitations, as some advocate.

Reforms brought about by the work of environmental groups have also drawn criticism for adding to production costs and making U.S. pro-

SUCCESS STORIES in the Public Interest

During the 1970s, the number, size, and activities of public interest groups in North Carolina greatly increased. Below is a description of the principal public interest organizations active in the General Assembly during the last decade (in alphabetical order). Included is a synopsis of their major successes. (This is not a definitive list of groups but rather a representative sample.)

Carolina Action: Although not primarily organized for statewide lobbying, Carolina Action does on occasion appear at the General Assembly to lobby for certain issues. And the organization has sometimes maintained a paid lobbyist there. Attempting to channel the collective power of low and moderate income people in the political process, Carolina Action has worked on issues such as tax and utility rate reform which would transfer the burden to those most able to pay. In 1977, they succeeded in getting "lifeline" rates for senior citizens receiving social security payments. In 1979, along with Insurance Commissioner John Ingram, they supported a successful effort to get "clean risk" auto insurance, removing penalty fees for those with clean driving records. The group has some 2,300 families as members.

Common Cause: Founded by John Gardner in Washington in 1970, this group has focused on reforming the governmental processes to make them more open and accountable at the federal and state level. Common Cause first

lobbied in North Carolina in 1972; today the state chapter has about 3,000 members. Many state legislators consider this group a moving force behind the Campaign Finance Reporting Act (1974), the Legislative Ethics Act (1975), the revised Lobbyist Registration Act (1975), the installation of electronic voting equipment in the General Assembly (1975), the Sunset Law (1977), and the revised Open Meetings Act (1979).

League of Women Voters of North Carolina: The state chapter was founded in the 1920s, was dormant during the Depression and revived after World War II. Active in the General Assembly since 1951, the 1,400-member League has generally played a supportive role for many bills rather than a leading role with any one. In 1971, however, the League did originate a bill to ratify the 19th Amendment to the U.S. Constitution (women's suffrage). Taken tongue-in-cheek even by some League members at the time, it has served a purpose during the repeated attempts to ratify the Equal Rights Amendment, reminding legislators that their predecessors' fears about this once volatile issue had proved to be groundless. The League's strong involvement in the ERA campaigns during each legislative session of the 1970s has diverted some of its energy from other parts of its legislative program. Nevertheless, it has played an active role in the environmental coalition and lobbied for a number of other social issues.

N.C. Consumer Council and Consumer Center of N.C.: The primary lobbyist for these groups during the 1970s was Lillian Woo. Others such as Rep. Ruth Cook, formerly the State Council for Social Legislation lobbyist, and Wilbur Hobby, president of the N.C. AFL-CIO, joined Ms. Woo in working to keep interest rates down on small loans and to watchdog specific consumer issues. For example, in 1975, Ms. Woo helped get a bill passed that allows a monitoring of the amount pharmaceutical companies spend in the promotion of their products through free drug samples to physicians. "It was important to find out how much pharmaceutical companies were adding to product cost through this type of promotion," explains Woo. Another important success was the passage of the Retail Credit Installment Act, which pro-

ducts less competitive on the world market. The increased paperwork generated by environmental impact statements and other required reports have forced industry to take on added personnel and caused the government bureaucracy to grow. While conceding some negative effects, most

environmentalists remain convinced that these procedures safeguard the health of citizens and protect the environment for future generations. Responsible industry spokesmen contend, on the other hand, that the same results could be obtained with less costly and time-consuming methods.

fects the buyer using installment sales plans (1971).

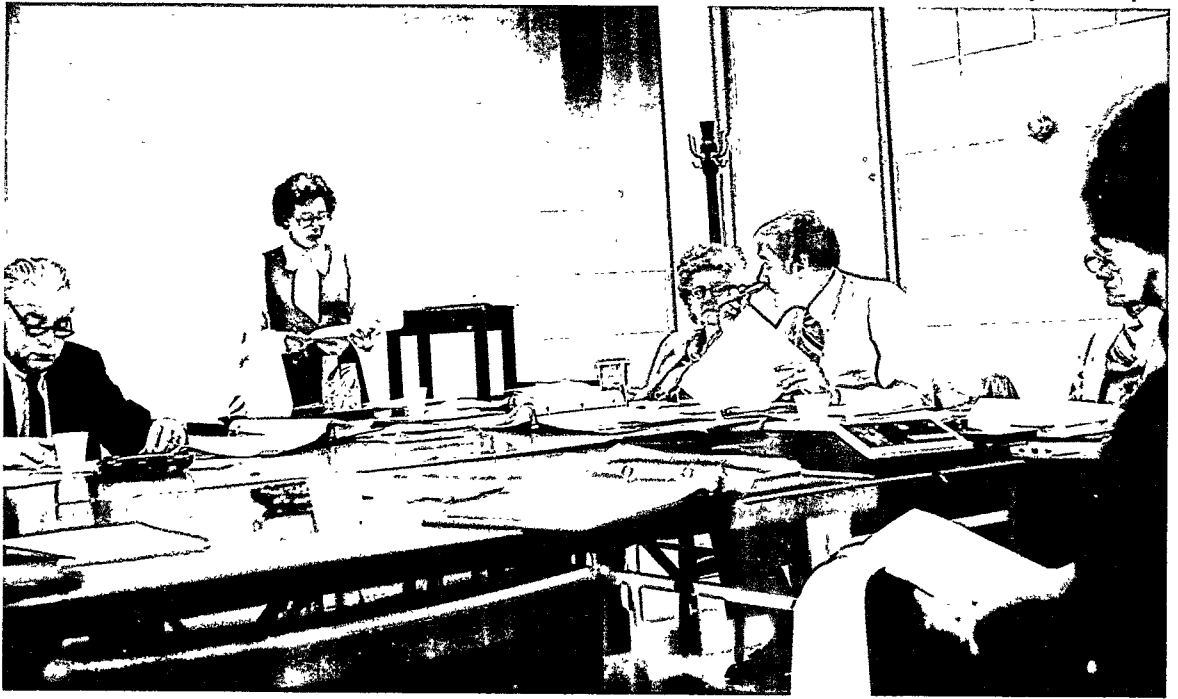
N.C. Council of Churches: Throughout the 1970s the Council has been represented by Collins Kilburn, one of the most respected and durable of the public interest lobbyists. The Council represents 27 ecclesiastical bodies from 17 denominations, some 6,500 congregations and 1.4 million church members. It has concentrated on improving the prison system, working on such issues as community-based alternatives, fair sentencing legislation, and improvement of prison facilities and services. Speaking of the Fair Sentencing Act of 1979, Kilburn says, "That act would have passed anyway because it was the Governor's bill, but I definitely think we made some impact on the length of the sentences." The Council also claims credit for an increased appropriation in 1977 expanding the number of prison chaplains from 3 to 15.

Parent-Teacher Association: The PTA, another group that predates the 1970s, focuses its legislative efforts chiefly on the quality of public education and the health and welfare of children. In the past decade, the PTA helped in the lowering of class sizes and a number of improvements in school bus safety. It worked for the Equal Education Opportunities Act and lent citizen support to the Governor's primary reading program and competency testing bills (1977). Lobbyist Jan Holem calls the PTA a "sleeping giant" politically. With 212,000 members statewide, its clout could be enormous if its membership could be fully mobilized behind their programs.

Public Interest Research Group: PIRG, founded in 1972, now has chapters on seven university campuses (six of them at private colleges). Students themselves do the digging to find issues needing attention, then select their legislative priorities before each session of the General Assembly. Their early issues were an ophthalmologist bill concerning the pricing of eyeglasses, and support of the state OSHA bill (1973). In 1979, they spearheaded the passage of a generic drug bill which allows pharmacists to fill prescriptions with cheaper generic drugs if authorized by the physician and requires prescription blanks to provide a space for this authorization.

Sierra Club and Conservation Council of N.C. (CCNC): These two groups, together with the League of Women Voters, formed an effective environmental coalition throughout the 1970s. The Sierra Club, a national organization of over 150,000 members (2,500 in North Carolina), began in 1892 in California under the leadership of conservationist John Muir. Among other achievements, the Club was instrumental in helping to create the National Park Service and the National Forest Service. Active in the General Assembly throughout the 1970s, the Sierra Club has often provided technical information to legislators. The 500-member Conservation Council, launched early in the 1970s, has usually taken a more activist stance by initiating litigation efforts and proposing far-reaching conservation legislation. During the first half of the decade the General Assembly was literally spitting out major environmental bills during each session, and the coalition vigorously supported all of them. (The major ones are mentioned in the text of the article). The second half of the decade was chiefly a holding action, fighting off attempts to weaken or repeal the laws already passed. The victories of 1971, 1973, and 1974 made North Carolina a national leader in environmental legislation.

State Council for Social Legislation: This coalition of over 20 state organizations, ranging from the N.C. Library Association to the N.C. State Federation of Women's Clubs, has lobbied for various social concerns in every General Assembly since 1921. Rep. Ruth Cook of Wake County, the Council's lobbyist for four sessions before she became a House member in 1975, engineered the Council's most significant success in recent years: mandatory licensing of day care centers (1971). In 1967, the General Assembly defeated the proposal but established a study commission on the topic. During the two-year study, several legislators became advocates of the bill, and in 1969, the study commission recommended mandatory licensing. But still it failed. Finally, in 1971, it passed, demonstrating some critical aspects of successful public interest lobbying — education of legislators, patience, and persistence. Other significant successes include mandatory reporting of child abuse and neglect (1971) and the Bill of Rights for the mentally ill (1973).



Rep. George Miller at a study commission meeting of the Public School Finance Committee, October, 1980.

Declining or Maturing?

Some critics as well as some supporters of public interest lobbies feel these groups may have "peaked" in their effectiveness during the 1970s and indeed, conservative trends, the loss of seasoned leadership, and declining volunteerism may make public interest lobbies a less powerful force in future sessions of the General Assembly. "The times are less turbulent now," says Sen. Gerry Hancock of Durham, former Common Cause state chairman and lobbyist. "People are less willing to look to government for solutions."

Most observers of the General Assembly consider it a more conservative body than in recent years, less open to the social and consumer legislation public interest groups have traditionally worked for. Many of the legislators who worked closely with public interest groups, such as Willis Whichard and McNeill Smith, have left the legislature. "If I were going back to the General Assembly now," says former League of Women Voters lobbyist Barbara Smith, "I would seek out conservative legislators who at least see the problems if not necessarily the same solutions." Sen. Hancock adds, "It's going to be particularly incumbent on public interest groups to demonstrate as much interest in efficiency and responsible management in government as they have (shown) about other issues in the past."

Loss of leadership to jobs in state government and elsewhere may also hamper public interest

lobbying. Special interest lobbyists enhance their effectiveness by building up contacts, friendships, and trust in the legislature over a long period of time, which serves them and their clients well. Public interest lobbyists, in contrast, have a high turnover rate. Most cannot afford to work full-time for more than one or two sessions as a volunteer or at the modest salaries usually offered, no matter how great their commitment. Some of these people who had developed considerable expertise went into state government jobs at the beginning of the Hunt administration and are now pursuing their goals from inside state government. Anne Taylor, for example, now works in the state Department of Natural Resources and Community Development regulating some of the laws she helped get passed. While Taylor and others can play an important role "on the inside," they can no longer be outspoken advocates for their causes. They have a new set of political constraints. At the same time, the public interest groups have lost some of their most capable leadership.

Ten years ago there would have been an abundance of new talent to replace those who have moved on. Today, the near disappearance of the full-time volunteer limits the ability of public interest groups to function as they have in the past. While some groups such as the Council of Churches employ staff and a paid lobbyist, others have traditionally relied completely on volunteers. Many of those in the latter category are now trying to come up with funds to pay the people who will take their causes to the legislature. "For the first time ever, we have put into our annual budget a stipend for our lobbyist," says Marion Nichol,

League of Women Voters state president. This stretches already tight resources to the limit, and in today's depressed economy contributions to political groups, which are not tax deductible, are shrinking.

Some of these difficulties may explain the proliferation of the "single issue" lobby groups during the latter half of the 1970s. At a time when both volunteers and money are scarce, it is easier to get both committed to a single, passionate issue than it is to a broad legislative program. The effort is focused, understandable, and prone to make people take sides, all of which is appealing to individuals with multiple demands upon their time. The issues these groups rally around are often highly emotional: pro- and anti-ERA, pro-abortion vs. pro-life, pro- and anti-liquor by-the-drink, pro- and anti-nuclear energy.

Some public interest lobbyists, however, do not feel that the causes for which they have worked are on the decline. They believe that citizen effectiveness in government is maturing and may be

constituency during the 1980s." She points to a September, 1980, meeting with Gov. Hunt to illustrate her point. "Over 200 environmental leaders came to the reception," she says. "They demonstrated an awareness, a seriousness, and a sophistication far greater than in past years. I am convinced that the environmental lobby is having a strong impact on the environmental ethic of the people of the state."

Conclusion

Public interest groups in North Carolina have been a constructive force in the passage of progressive legislation over the past decade. They will undoubtedly continue to be, especially if they choose issues which strike a responsive chord with citizens and are politically attainable. Long-standing goals are not likely to be abandoned, but some might be addressed more successfully in public education campaigns than in the General Assembly. Monitoring the laws that

"Members of the legislature simply could not go out and look for people to testify. The environmental groups did this for us."

former Sen. Willis Whichard

even more effective in the future, that single-issue groups may be the most visible but not the most persevering. Taking knowledge gained as a citizen activist into the systems that administer the laws offers a new stage for influence, some believe. At the same time, some public interest constituents are expanding their activities away from a legislative emphasis to regulatory issues, locally controlled enterprises (especially in the energy area), and monitoring the administration of the many laws already passed. "Throughout the 1970s, environmentalists gained sophistication," says Anne Taylor. "I wanted to be on the inside to try to make all those laws work. How they are implemented is the key to it."

Taylor does not see herself as an isolated example of a public interest lobbyist who has remained active in a different setting. "Environmentalists will be an even more recognizable

have been passed has become an important new function for public interest organizations, and may play an even greater role in their future activities.

Public interest groups continue to give a voice to concerned citizens who otherwise would have none. In the process, they tend to train some able political leaders for the future and to provide a balance in the General Assembly to the special interest lobbies, which would otherwise predominate. While critics may always regard them as "idealistic 'do-gooders,'" they play an important part in representing citizen interests in the law-making process.

"The information that the public interest groups are able to put in my hands is invaluable," says Rep. Miller. "To me that is the best thing they do. That forms the basis of my willingness to go to bat for an issue and convince other legislators." □

Campaign Financing, Ethics Act & Open Meetings

Conflicting Interests for Citizen Legislators

by Bertha (B) Merrill Holt

*"In framing a government
which is to be administered
over men, the great diffi-
culty lies in this: you must
first enable the government
to control the governed; and
in the next place oblige it to
control itself."*

— James Madison, *Federalist Paper
Number 51*, 1788

At the dawn of the republic, James Madison recognized the need for ethics legislation in America. A student of colonial governments, Madison might have reflected on the 1757 campaign that George Washington waged for a position in the Virginia House of Burgesses. Washington allegedly won his seat by doling out 28 gallons of rum, 50 gallons of rum punch, 34 gallons of wine, and 46 gallons of beer.

By the bicentennial birthday of the nation, the American voters were probably more skeptical of their politicians than at any point since Madison first contemplated how the government might "control itself." Watergate had destroyed the hope that Thomas Jefferson had expressed 200 years before, that "the whole art of government consists in the art of being honest." In the wake of Watergate, the Congress and state legislatures passed the most dramatic spurt of ethics legislation ever codified into American law.

During the 1970s, the N.C. General Assembly attempted to regulate through statute that group of people perhaps most difficult to oversee in the entire state — themselves. In 1973, the legislators passed the Campaign Finance Reporting Act,¹ in 1975 the Legislative Ethics Act,² and in 1979 an

Bertha (B) Merrill Holt, a legislator from Alamance County since 1975, currently chairs the committee which administers and enforces the Legislative Ethics Act. During the 1979-80 session of the General Assembly, she also chaired the House Governmental Ethics Committee.

expanded and updated Open Meetings Law.³ This body of statutes, at the least, enables today's voters to make more informed decisions about elected officials than were possible in 1972. At the most, the laws require elected officials to function at standards higher than those expected in everyday business, to reveal their personal finances, and to be sensitive to the inherent conflicts of interests for "citizen" lawmakers, persons who divide their time between the state's business and their personal careers.

Some feel that, collectively, these laws have already gone beyond what ethics law should do — inform the electorate so that the burden of honest government rests on the voters as much as the officials themselves. Advocates of more controls argue, on the other hand, that ethics regulations should not only inform citizens but also protect

them by including specific prohibitions and restrictions which prevent special interests from using the law-making process for their own advantage.

In the General Assembly, the legislators concerned about ethics seem to agree on one thing at this point: we have a lot of relatively new legislation on the books, let's try to make these laws work before passing any more. The existing laws do not seem to have raised the level of public trust in government. Why should more legislation build more trust?

But while we may not need more ethics legislation at this time, we do need an increased awareness of ethics and the way in which the existing ethics laws function. Legislators, the media, and the public need to go through an education process about ethics. One way to begin that process is to understand exactly what the existing laws say.



The Campaign Finance Reporting Act (1973) specifies the way state and local campaigns may be financed and requires strict reporting processes for both contributions and expenses. (See "Major Provisions" box.) The State Board of Elections administers the Act; various district attorneys enforce it, depending upon the county of infraction. This Act makes a great deal of information available to the public which could formerly be kept secret. The campaign reports, however, do not have to include the profession or business of individual contributors, which makes a full assessment of the influence of contributors difficult.

Provisions of the Act also attempt to eliminate the ability of large contributors — both individual and organizational — from dominating campaign spending. These provisions have resulted in the rapid growth of political action committees (PACs). A PAC provides a mechanism through which employees or members of corporations, business entities, insurance companies, labor unions, or professional associations can contribute to a candidate. All of the above groups are prohibited from making contributions directly to a candidate.

The Legislative Ethics Act (1975) went a step further, establishing for the first time in North Carolina standards of conduct for the legislators themselves. The Ethics Act has three primary

components:

1) It defines what constitutes bribery, prohibits a legislator from using for personal gain confidential information which was received because of his position, and prohibits a legislator who has an economic interest which would impair his independence of judgment from acting in a legislative matter to further his interest.

2) It requires each candidate for nomination to the General Assembly as well as all elected legislators to file a statement of economic interest with either the county Boards of Election (candidates) or the Legislative Services Office (where legislators must file every other year). These statements are open to the public. (See "What Must be Disclosed" box.)

3) It creates a nine-member Legislative Ethics Committee to administer and enforce the Act. The chairman of the Committee alternates each year between a representative and a senator. Of the other eight members, the Senate and House each get four; they are selected from lists submitted by majority and minority leaders in each chamber. (See "Powers of the Committee" box.)

In 1979 significant revisions in the state's Open Meetings Law passed the General Assembly. This "sunshine legislation" requires most meetings of public officials to be open to the public, but contains some notable — and controversial — exceptions such as meetings of the Advisory Budget Commission and the Council of State. In the long run, open meeting legislation may prove to have

Major Provisions of Campaign Finance Reporting Act

- Anonymous contributions and contributions made in someone else's name are prohibited.
- No contributions over \$100 can be made in cash.
- Candidates, political committees, or parties cannot accept contributions from corporations.
- Only the campaign treasurer can accept contributions and appropriate funds.
- No individual or political committee can contribute more than \$3,000 to any candidate or political committee.
- Violations can result in fines and imprisonment for contributors as well as candidates.

• An out-of-state contribution over \$100 must be accompanied by a written statement containing the name and address of the contributor.

• Contributions records must include names and addresses of out-of-state contributors over \$100 and all in-state contributors over \$50. Expenses must be reported in detail by type and amount. All media payments must be made by check, each item recorded separately.

• Corporations, business entities, insurance companies, labor unions, and professional associations cannot make any contributions, cannot use money or property, and cannot reimburse any organization or individual for money and property-use on behalf of, or in opposition to, any candidate or political committee — or for any political purpose.

See N.C. General Statutes 163-278.1 through 163-278.26.

more influence than any other ethics-oriented law in raising the ethical standards of elected officials.

In addition to these three pieces of legislation, there is a Governmental Ethics Committee in the House and a North Carolina Board of Ethics in the executive branch. In 1979, House Speaker Carl Stewart established Governmental Ethics as a "select" committee. Liston Ramsey, who is expected to be the House speaker in 1981, plans to upgrade the committee from "select" to "standing," giving it a more permanent position in legislative affairs.

In 1977, Governor James Hunt established the N.C. Board of Ethics by issuing Executive Order Number One. The Order requires that certain executive branch employees and appointees publicly disclose financial interests annually. Voters do not have the direct control over appointed officials that they do over those who are elected. Hence, providing financial information may not be as effective a deterrent to conflict-of-interest situations for administrative personnel as it is for elected officials. The N.C. Board of Ethics can help to watchdog ethics problems within the administrative branch of state government by identifying potential conflicts and recommending remedial action.

Despite these laws and committees, enforcement of ethics has been difficult. Legislators, the media, and the public often do not understand the sentiment behind the ethics laws. Because members of the General Assembly are "citizen" legislators, they must often call upon colleagues who have expertise in an area for advice and assistance concerning an issue under consideration. Legislators who are attorneys for insurance companies, for example, may know best how insurance functions. Because most legislators support themselves in a professional enterprise which inevitably is affected in some way by state law, almost all of them face potential conflicts-of-interest in the lawmaking process. The Ethics Act attempts to address conflicts within this body of citizen lawmakers. "The real question you must look at is, 'Have they profited in a way someone else couldn't?'" says former Sen. Willis Whichard, now a judge on the N.C. Court of Appeals.

Since the Legislative Ethics Act passed, only one conflict-of-interest complaint has been filed — against a member of the House. In that instance, the Legislative Ethics Committee held a hearing and exonerated the member. The voters in the home district, however, did not re-elect this member to the next General Assembly. The people have the final judgement, after all, to "hire" their representatives and to "fire" them. But short of hiring and firing, the quality of lawmaking can improve if a knowledge of ethics becomes more widespread.

Powers of Legislative Ethics Committee

- Prepare forms for and receive statements of economic interest.
- Prepare list of ethical principles and guidelines to aid legislators in dealing with conflicts of interest.
- Identify potential conflicts of interest and suggest rules of conduct.
- Advise committees regarding conflict problems in considering specific legislation.
- Issue advisory opinions on specific questions raised by individual legislators.
- Investigate complaints both on own motion or by formal public hearing (includes subpoena power) and dispose of the complaints (dismiss; refer to Attorney General if criminal statute allegedly violated; or refer to appropriate house of General Assembly for censure, suspension, or expulsion).

What Must Be Disclosed?

Includes interests held by filer and members of his or her immediate household.

- Business associations.
- Real estate at a fair market value in excess of \$5,000.
- Indebtedness in excess of \$5,000.
- Vested trusts valued in excess of \$5,000.
- Occupations of members of immediate household and types of clients/customers.
- Business associations which do business with the state.
- If professional person, a list of categories of clients; from which fees in excess of \$2,500 were received.

See N.C. General Statutes 120-85 through 120-106.

In January of this year, the Center for Legislative Improvement (LEGIS/50) sponsored a workshop for the members of the House Select Governmental Ethics Committee and the Senate Rules Committee. Part of a five-state Legislative Ethics Project funded by the National Endowment for the Humanities and the U.S. Office of Personnel Management, the seminar was held, as LEGIS/50 puts it, "to assist citizen legislators in coping with the ethical dilemmas that arise during public service." LEGIS/50 used videotapes to depict conflict-of-interest predicaments which citizen legislators have faced in other states. The 18 members of the General Assembly who attended completed questionnaires about the situations and discussed the ethical dimensions of each. Most felt the exercise was a valuable tool.

Plans for an orientation seminar for new 1981 legislators is now underway. This conference would utilize such aids as the videotapes from the LEGIS/50 meeting. Plans are also being made to utilize the services of the National Conference of State Legislatures for a workshop designed especially for the N.C. General Assembly; this session would analyze the status of the state's ethics legislation.

Anticipating conflict-of-interest situations for citizen legislators — and dealing with such situations when they arise — is not an easy task. American governmental bodies face real dilemmas in the world of ethics, perhaps best identified in a 1962 speech which former Chief Justice Earl Warren delivered, called "Law Floats in a Sea of Ethics." In it, he said: "Not everything which is wrong can be outlawed, although everything which is outlawed, is, in our Western conception, wrong. For many years, legislatures and courts have endeavored to define for corporate and government officials what constitutes a conflict between their public responsibilities and their private interests. None has yet been able to state in legal terms rules that will at the same time afford both freedom of dynamic action by the individual and protection of the public interest." □

**"Have they profited in a way
someone else couldn't?"**

N.C. Court of Appeals
Judge Willis Whichard

FOOTNOTES

¹ Commonly known as the Campaign Finance Reporting Act, its official name is An Act to Regulate Contributions and Expenditures in Political Campaigns. See Chapter 1272, 1973 Session Laws, 2nd Session, 1974.

² See Chapter 564, 1975 Session Laws.

³ See Chapter 655, 1979 Session Laws.

Reapportionment the 1981 version

by Susan M. Presti

"From 1952 until 1962, six contiguous North Carolina mountain counties were located in six separate congressional districts . . ."

"In 1962 a district was created which included coastal plain, mountains, and piedmont (counties). The district stretched 200 miles along the Virginia border, but was only 20 miles wide."¹

Reapportionment² — the redrawing of electoral district lines based on the results of each decennial census — looms as one of the most important tasks facing the 1981 General Assembly. National population shifts and those within North Carolina during the past decade could result in significant changes for the state. When the final results of the 1980 census are released, the state may gain a twelfth congressional seat; within the state the power balance between the coastal, piedmont, and mountain districts may be upset. "(Reapportionment) will be, in my opinion, the key issue of this General Assembly," says Alex K. Brock, director of the State Board of Elections.³

Historically, the power to reapportion has been wielded in a highly political fashion. The majority party in a state legislature has traditionally sought to limit the minority party's influence by drawing grossly misshapen districts. In 1812, Massachusetts Governor Elbridge Gerry approved a reapportionment plan in which one district was so distorted it resembled a salamander. Such legislative legerdemain has thereafter been referred to as "gerrymandering."

Throughout the 1920s, as more of the country's rural population migrated to cities and as political machinations continued to dominate reapportionment decisions, electoral districts within individual states grew to increasingly disparate sizes. In 1946, for example, Cook County, Illinois, contained 914,000 citizens while a downstate district had only 112,000.

In *Baker v. Carr* (1962), the U.S. Supreme Court established judicial jurisdiction over questions of reapportionment. A series of landmark decisions followed, known as the "one person, one vote" rulings, in which the Supreme Court began to redress electoral district imbalance stemming from many types of discrimination — political, racial, sexual, ethnic, rural-urban, etc. These rulings, combined with regulations included in federal and state policies, have created a complex set of criteria for reapportioning.

Because the profusion of new regulations has complicated the reapportionment process, many states have turned to computers and independent commissions as the most practical means of redrawing electoral districts. For the 1981 reapportionment, several states are relying extensively on computers. The New York Legislative Task Force on Reapportionment has spent almost \$1 million on a computer package.⁴ California, Oklahoma, Minnesota, Illinois, New Mexico, Indiana, Texas, Michigan, and many other states are expected to use computers for sophisticated mathematical analyses of proposed districts.

Seventeen states have utilized independent

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commissions rather than depending exclusively on their legislatures. Eleven states use independent commissions for actual apportionment; six use them in an advisory capacity or as a fallback unit in case the state legislature cannot develop a suitable plan. Legislation now before Congress would vest all responsibility for congressional reapportionment in independent commissions that would be established in each state.

The North Carolina Experience

Factors unique to North Carolina also complicate the reapportionment process. As the Piedmont counties grow, for example, they are becoming so large that they cannot be grouped easily with contiguous neighbors to form electoral districts. Their combined populations are too large. (Electoral districts must be composed of counties with contiguous borders.) The North Carolina Constitution prohibits the division of counties into smaller units for the purpose of redistricting state electoral zones. This restriction may create problems for redistricting the Piedmont, problems that will carry over to congressional reapportionment. There is no federal law preventing a smaller unit — for example, a township — from being used as the primary building block of congressional districts, but North Carolina has a long history of refusing to break county boundaries for representational purposes.

In addition to the demands of equal population, any redistricting plan in North Carolina must meet the demands of equal representation. Republican, minority, rural, and liberal voters — usually concentrated in specific parts of the state — should be districted so that their votes can have a fair expression, not gerrymandered in such a way as to undermine their strength. One further complication for North Carolina is the Voting Rights Act of 1965. Because of past evidence of voting discrimination in 39 counties, the Act requires that any reapportionment affecting these counties must be approved by the U.S. Attorney General. He must determine that “the plan in question does not have the purpose or intent of abridging the right to vote on account of race or color,” says

David Hunter of the Justice Department’s Voting Rights Section. If the Attorney General rejects a North Carolina reapportionment proposal, a new plan has to be developed.

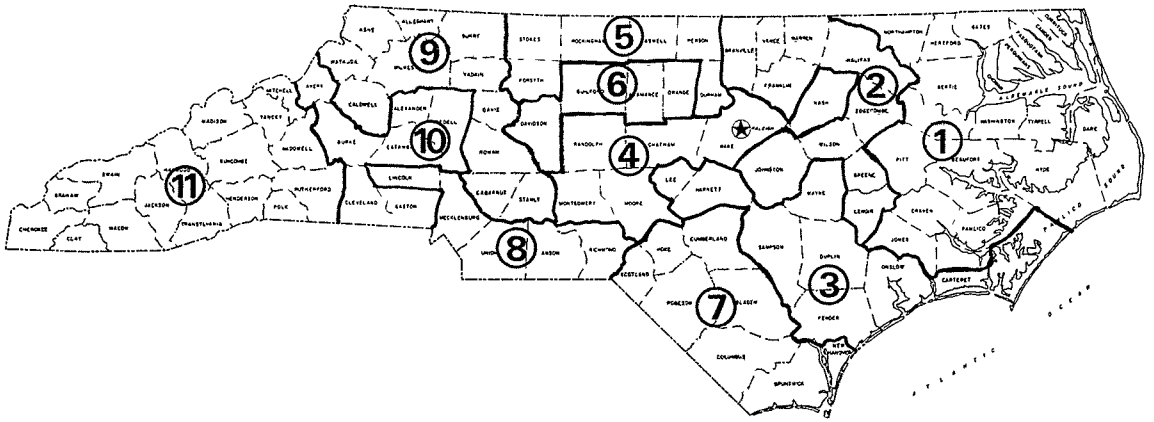
Court decisions in the 1960s forced the General Assembly to develop new plans for North Carolina. In both 1965 and 1966, a U.S. District Court rejected the state’s reapportionment. Finally in 1967, the courts accepted the legislature’s plan. In 1971, the Justice Department successfully challenged portions of the redistricting that affected the 39 counties cited in the 1965 Voting Rights Act. The redistricting of the unaffected 61 counties was allowed to stand.

Despite the complexities of the task, the North Carolina General Assembly has not yet appointed any legislative committees to prepare for the pending reapportionment. Some preliminary work has been done in the state but has not been coordinated by the legislature. The General Assembly’s Division of General Research is preparing a reapportionment briefing book for legislators which will summarize pertinent court decisions, federal and state restrictions, and logistical questions on reapportionment. The state Office of Data Services has performed some computer runs on the preliminary census data. If requested by the legislature, the Office could provide computer services to aid in reapportioning the state. In 1971, no computers were used “at all,” according to Clyde Ball, then Legislative Services Officer.

The process the General Assembly will use to reapportion North Carolina in 1981 will not become clear until the General Assembly convenes. Rep. Liston Ramsey (D-Madison), in all likelihood the next speaker of the House, says that the process probably will be similar to that of 1971: a House committee will be established to redistrict the House, a Senate committee will be established to redistrict the Senate, and a joint committee will be established to reapportion congressional districts. Each committee will consider plans submitted by any legislator, and Rep. Ramsey already has invited North Carolina’s eleven congressmen to submit reapportionment plans to the General Assembly. Each committee will propose its final

“Reapportionment is a political process . . . and that’s the way it should be.”

**Alex Brock, Director
State Board of Elections**



After the U.S. District Court rejected the state's reapportionment plan in 1965, the General Assembly developed a new one, which is shown above. Note the gerrymandering that remained: Nash County borders the rest of the Fourth District at a single point; the Second District wraps around the Fourth, and several other districts (especially the Eighth, Ninth, and Tenth) are distorted. In 1966, the U.S. District Court for the Middle District of North Carolina ruled on this plan:

"The tortuous lines which delineate the boundaries of many of the congressional districts under the proposed plan, the resulting lack of compactness and contiguity, and the failure to achieve equal representation for equal numbers of people as nearly as practicable compels us to hold that the congressional apportionment is constitutionally invalid." Drum v. Seawell, 250 F. Supp. 922,925 (M.D.N.C. 1966)

Because of approaching filing deadlines at the time of this decision, the configuration above stood for the 1966 elections. But the Court's rejection forced still another reapportionment. The plan developed in 1967 was finally accepted and stood until the 1970 census.

plan as a piece of legislation that must be ratified by both houses. (In 1971, the Senate accepted the proposed plan of the House and the House accepted the Senate's plan.)

According to Ramsey, the use of computers in the 1981 reapportionment "will be up to the chairmen of the various committees." And like 1971, apparently no serious consideration will be given to the idea of an independent reapportionment commission. Ramsey rejects the concept of an independent commission for North Carolina. "I expect the legislature to do it (reapportionment) because the Constitution says we shall do it," he says.

Citing the Constitution serves to disguise the fact that reapportionment still is perceived by many legislators and others as being the sole domain of state legislatures. Nationwide, politicians from both parties tend to see reapportionment as legitimate political booty. Larry Mead, a member of the Republican National Committee research staff, has said, "We want reapportionment to be fair, but the state legislatures are sovereign. Our job isn't to save ourselves but to build the party from the bottom up."⁵ Consequently, "the national drive by Republicans to control more statehouses by electing more Republican legislators in November is keyed to the upcoming reapportionment," writes Dan Pilcher.⁶

Rapid changes in reapportionment law over the last twenty years have increased the complexity of redistricting; rapid changes in reapportionment technology have increased the number of ways to develop redistricting plans. Despite these changes, North Carolina in 1981 will reapportion itself in much the same way it has in the past. "Reapportionment is a political process . . . and that's the way it should be," says Brock. □

FOOTNOTES

¹ Douglas Edward Markham, "Reapportionment in North Carolina," an honors thesis submitted to the political science faculty of the University of North Carolina at Chapel Hill, 1978 (portions published as "Reapportionment in North Carolina: Another Gerrymander in 1981?," *Carolina Politics*, January, 1979).

² In this article, "reapportionment" refers to both the reapportionment of North Carolina's congressional districts and the redistricting of electoral zones for the state legislature.

³ *Raleigh News and Observer*, September 25, 1980.

⁴ The expenditure to date, of which the state expects to recoup as much as 50 percent through time-sharing of computer services.

⁵ Janet Simons, "Reapportionment: Here it Comes Again," *State Legislatures*, November/December 1978.

⁶ Dan Pilcher, "Reapportionment: The New Ingredients," *State Legislatures*, April 1980.

Relying on Legislative Study Commissions

by Susan M. Presti

Legislative study commissions play a pivotal role in the making of North Carolina policy. Meeting primarily between sessions of the General Assembly, they provide the legislature — a body of part-time lawmakers without full-time personal staffs — with an effective mechanism to study numerous issues in depth. Since the General Assembly meets for an average of only seven months every two years, extensive and dispassionate studies can rarely be completed during a legislative session. Study commissions provide the time for careful deliberation upon which legislation is often based.

The primary goal of a study commission is to assess an issue fully and to make recommendations to the General Assembly for dealing effectively with that issue. A legislative study commission usually takes one of four forms: 1) a subcommittee of the Legislative Research Commission (LRC); 2) an *ad hoc* independent study commission; 3) a standing committee of the General Assembly extended into the legislative "off-season"; or 4) in rare cases, a state agency.

The legislature assigns most topics either to the LRC or to independent study commissions. In 1973-1974, when the General Assembly experimented with full annual sessions, many standing committees were extended between the sessions, thus reducing the number of interim study commissions. Subsequent legislatures have not been "full-time," and the number of interim study commissions, especially those within the LRC, has increased.

Legislative Research Commission

The LRC, the comprehensive study body of the General Assembly, has a standing mandate to investigate topics assigned to it. The LRC meets only while the legislature is out-of-session.¹ Established in 1965, it receives

a biennial budget, which can be revised during the short session. The speaker of the House and the president *pro tempore* of the Senate serve as co-chairmen of the LRC, each appoints five persons from his respective chamber to serve as members.² A House or Senate resolution can assign topics to the LRC; either LRC chairman can also direct the LRC to study an issue. Resolutions and chairman directives set a report date for the study, which must be completed before the opening of the designated session.

The Commission works primarily through subcommittees, grouped into broad categories such as education, human resources, and public service. The 12-person Commission allocates the LRC budget among its subcommittees; the LRC chairmen appoint the subcommittee members, usually legislators, and select a senator and a representative to co-chair each subcommittee. Subcommittees are staffed with research, legislative drafting, and clerical services by the Legislative Services Office. By law, the LRC subcommittees must be appointed within 15 days after the close of the legislative session.

An LRC member oversees each broad category to ensure that the subcommittees organize themselves, operate within their budgets, and complete their reports on time, and to serve as a liaison between the subcommittees and the full LRC. This provides a line of communication between the LRC leadership and the subcommittees, explains Sen. Charles Vickery (D-Orange), a Commission member. "The supervising member doesn't have any great influence (on the actual conduct of the study), but he does have some," says Vickery.

The subcommittee conducts its work, formulates its recommendations, prepares its draft legislation (if there is any), and submits its report to the LRC through the supervising Commission member. The Commission usually transmits the report unrevised to the General Assembly. "The LRC is a coordinating commission," says Carl Stewart, speaker of the House — and thus co-

Susan M. Presti is a member of the staff of the North Carolina Center for Public Policy Research.



chairman of the LRC — from 1977 to 1980. As Stewart explains the process, the LRC delegates topics to subcommittees, receives subcommittee reports, and transmits them on to the General Assembly; it does not act as an advisory committee since it does not comment on the reports of its subcommittees.

But the LRC is not an apolitical body. By working through the supervising member, the leadership of the LRC can encourage a subcommittee to call certain individuals to testify at the subcommittee's meetings. And the LRC members, some of the most powerful and well-respected persons in the legislature, can act on their own or collectively to help ensure that a particular recommendation will be adopted by the General Assembly.

Independent Study Commissions

Independent legislative study commissions differ from the LRC subcommittees more in form than in function. Each one is created by separate legislation.³ Its membership may be appointed by the LRC chairmen, the governor, the head of a state agency, or anyone so designated by the legislation. Independent study commissions generally have fewer legislators as members than do LRC subcommittees of similar size. The members and staff of independent commissions are often experts in the particular area being studied. For example, the Community College and Technical Institute Planning Commission included a university president, community college officials, businessmen, legislators, and the director of the Institute of Government — appointments made by the governor, the president *pro tempore* of the Senate, and the speaker of the House.

Independent study commissions usually receive larger funding allocations than do LRC subcommittees and often have a longer period of time to conduct a study than does the LRC. The Commission on Prepaid Health Plans had a \$60,000 budget

Governmental Evaluation (Sunset) Commission Chairman Wymene Valand at their October 17 meeting. Rep. Edd Nye (D-Bladen) is at the right.

for the 1979-1980 fiscal year; the Governmental Evaluation (Sunset) Commission, established in 1977, is not scheduled to report to the General Assembly until 1981 and 1983. The reports and recommendations of independent study commissions often receive more publicity than do those of the LRC, making them generally more visible outside the legislature.

The Permanence of Study Commissions

While the independent commissions tend to be more prestigious than the LRC subcommittees, the legislature depends on both. "There's always going to be two kinds of studies, long-term, complicated ones, and smaller scale studies," says Michael Crowell, an attorney at the Institute of Government who has followed the workings of the General Assembly throughout the 1970s. "The legislature needs a way to cope with both of them." If a subject merits the additional time, status, and expertise available through an independent commission or if state political leaders promote a subject strongly, this topic usually goes to an independent commission. Otherwise, observers and participants in the legislative process seem to agree, it will be referred to the LRC. "It is very difficult to get money for an independent study commission unless it is well justified," says Rep. Lura Tally (D-Cumberland), a member of both the LRC and the House Appropriations Committee.

The General Assembly may renew the mandates of both LRC subcommittees and independent study commissions from session to session. The 1979 General Assembly, for example, extended the life of the Sports Arena, Revenue Laws, and Aging subcommittees of the LRC, all of which originated in previous sessions. The Local Government Study Commission, established as an inde-



pendent study commission by the 1967 General Assembly, did not disband until 1973, and the independent Mental Health Study Commission has been operating since 1973.

The General Assembly looks upon the recommendations of its various study commissions with considerable respect. "Definitely a bill that's been researched has a better chance of passing," says Sen. W. Craig Lawing (D-Mecklenburg), co-chairman of the LRC. Stewart agrees: "The fact that it's gone to the LRC and it's been discussed tends to give more weight and credibility to a piece of legislation. Its chances of passage are greatly enhanced."

Over the past 15 years, the LRC has evolved as the "premiere interim legislative study device," says Terrence Sullivan, director of the legislature's General Research Division. The reliance on the study commission concept in general and the LRC in particular will probably remain constant as long as the North Carolina legislature continues as a "citizen," part-time body, and as long as the leadership of the General Assembly feels that the LRC is the most effective forum for considering most study topics. "There's got to be a mechanism for continuity and carry-over and for political reality to express itself," says Sen. Vickery. "The LRC provides that. If the LRC were not in place, something else would be." □

FOOTNOTES

¹ The LRC may meet during a legislative session only to receive the report of the Administrative Rules Review Committee.

² The 1979-1980 LRC members (all Democrats): Senators Henson Barnes, Melvin Daniels, Jr., Carolyn Mathis, R.C. Soles, Jr., and Charles Vickery; and Representatives Chris S. Barker, Jr., John R. Gamble, Jr., H. Parks Helms, John Hunt, and Lura Tally.

³ Because each independent study commission is created by individual legislation, the Appropriations Committee determines the funding allocation for every independent commission. In funding the LRC, the Appropriations Committee allocates an overall budget, but the Commission itself subdivides this total among its subcommittees.

Governmental Evaluation (Sunset) Commission at their October 17 meeting. (L to R): Rep. Richard Grady (D-Wayne); Nancy Chase, a former representative; Jack Fleer, political science professor at Wake Forest University; Commission Chairman Wymene Valand, staff assistant for U.S. Sen. Robert Morgan; Rep. David Bumgardner, Jr. (D-Gaston); Mayor Emanuel Douglas, Southern Pines; and Rep. Edd Nye (D-Bladen).

Legislative Research Commission at Work for 1981

The Legislative Research Commission (LRC) is scheduled to issue 22 reports to the 1981 General Assembly. The following chart identifies the LRC subcommittees reporting to the 1980 and 1981 sessions and summarizes their recommendations, if already issued. It also contains the subcommittee co-chairpersons (a senator and representative in each case), the funding allocations for the 1979-80 and 1980-81 fiscal years, the number of meetings each subcommittee had held as of June 30, 1980, the date each subcommittee is scheduled to issue its report, and the topics discussed at the meetings. The 1980 session authorized two new LRC subcommittees, Costs and Operation Management of Pupil Transportation and Public School Food Service Programs. Neither had met as of June 30.

This chart provides an overview of the work of the Legislative Research Commission. The work completed by the various LRC subcommittees will determine many of the issues which the 1981 session will consider. For more information on the LRC and its subcommittees, or for copies of interim and final study commission reports, contact the Legislative Library, State Legislative Building, Raleigh, N.C. 27611 (919-733-7778).

STUDY SUBJECT	CO-CHAIRPERSONS (Rep./Sen.)	ALLOCATIONS		# MEETINGS (by 6/30/80)	REPORT DUE	TOPICS/RECOMMENDATIONS
		FY79-80	FY80-81			
1. EDUCATION						
a. Public School Dropouts	Greenwood Alford	\$6,000	\$4,500	5	1981	Issued interim report recommending appropriations totalling \$25,848,000 to reduce teacher-pupil ratio and increase Expanded School Day Programs.
b. Public School Facility Needs	Locklear Marvin	\$6,000	—	5	3/1/80	Study completed. Recommended disbursement of state funds in a variety of ways to meet the facility needs of the public schools.
c. School Finance Studies	Fulcher Ward	\$6,000	\$3,500	4	1981	Discussed the salary schedules for school personnel, the constitutionality of the current state method of financing public education, and the impact of local funding on equal educational opportunities statewide.
d. Costs, Operation Management of Pupil Transportation	Seymour Marvin	—	\$6,000	—	1981	Authorized as a new study by 1980 session.
e. Public School Food Service Programs	Brennan Edwards	—	\$6,000	—	1981	Authorized as a new study by 1980 session.
2. ENERGY						
a. Gasohol	James Garrison	\$6,000	—	5	1980	Study completed. Drafted four bills designed to encourage production and distribution of alcohol fuels.
b. Hydroelectric Generation	Jordan Childers	\$6,000	\$1,000	5	1981	1980 interim report recommended: (1) exemptions for small-scale hydroelectric and other renewable energy projects from portions of Utilities Commission regulations; (2) provisions for higher rates of return on investments in renewable energy facilities; and (3) authorization for the Utilities Commission to set long-term rates for the power output sold to public utilities of small-scale hydroelectric facilities.
3. ENVIRONMENT						
a. Waste Disposal	Holt Walker	\$8,000	\$5,000	6	1980/81	In its report to the 1980 legislature, recommended various means for increasing coordination of environmental programs, planning, and research.
b. Sports Arena (originally established in 1975)	Barbee Allsbrook	\$3,300	No additional allocation	1	1981	Considering the need for a sports arena in the state.

STUDY SUBJECT	CO-CHAIRPERSONS (Rep./Sen.)	ALLOCATIONS		* MEETINGS (by 6/30/80)	REPORT DUE	TOPICS/RECOMMENDATIONS
		FY79-80	FY80-81			
4. HUMAN RESOURCES						
a. Aging (originally created in 1977)	Messer Grey	\$9,000	\$3,000	4	1980/81	In its report to the 1980 session, proposed legislation to: (1) make jury service optional for those 65 years or older; (2) grant authority to counties and the Department of Human Resources to contract to third parties; and (3) provide immunity for certain persons regarding food donated to nonprofit organizations.
b. Rights of Adopted Children	Seymour Whichard	\$6,000	\$9,000	6	1980/81	Considering legislation to open adoption records to adoptees and birth parents (with consent from both parties).
c. Wilderness Camp	Brennan Marion	\$3,750 ¹	—	4	1981	Study completed. Recommended that North Carolina continue its participation in the wilderness camping program and that the legislative and executive branches explore the feasibility of establishing other camps.
5. LEGAL MATTERS						
a. Evidence and Comparative Negligence	Becton Barnes	\$9,000	\$8,200	4	1981	Considering what changes for North Carolina practice the Federal Rules of Evidence would make; also considering whether the state should adopt comparative negligence.
b. Products Liability	Tison Jordan	\$4,000 ²	\$2,000	0	1981	Had not yet convened because the effects of the 1979 products liability legislation and information about products liability insurance claims experience (required by 1979 Session Laws Chapter 979) would not be available before June, 1980.
6. LIQUOR LAWS AND LAND REGISTRATION						
a. Liquor Laws and Proof Liter Taxation	Morgan Swain	\$10,000 ²	\$8,500	7	1980/81	Developing a new ABC laws chapter to replace the current Chapter 18A of the General Statutes. Committee has considered the questions of state and local administration, law enforcement and elections.
b. Alien Land Ownership	E. White V. White	\$3,000	\$2,000	2	1981	Discussed the extent of and reasons for N.C. landholdings by aliens and corporations as well as the legal aspects of state restrictions on such foreign investment.
7. MOTOR VEHICLES						
a. Drivers Education School Bus Drivers	N. Smith Mills	\$6,000	No additional allocation	3	1981	Examined the school bus safety program, the school bus drivers' training program, and the drivers' education program.
b. Radar and Devices for Measuring Speed	Morris Edwards	\$3,000	\$2,000	2	1980	Study completed. Recommended legislation to establish minimum standards for radar operators and instructors of such equipment, and legislation to sanction the admissibility of speed-timing evidence in judicial proceedings.

STUDY SUBJECT	CO-CHAIRPERSONS (Rep./Sen.)	ALLOCATIONS		#	MEETINGS (by 6/30/80)	REPORT DUE	TOPICS/RECOMMENDATIONS
		FY79-80	FY80-81				
8. PUBLIC PROPERTY							
a. Central Piedmont Park Study	Nash Speed	\$6,000	\$1,500	4	1981		Considered the need for parks and recreational areas in eight Central Piedmont counties.
b. Public Facilities Design	Clarke Duncan	\$6,000	\$3,000	5	1981		Discussed issues concerning the design, construction, and inspection of public facilities, such as bidding practices and the relationship between subcontractors, prime contractors and the state.
9. PUBLIC SERVICE							
a. Rescue Squads Retirement Incentives	Etheridge Noble	\$3,000	\$2,000	1	1981		Discussed the Firemen's Pension Fund as an example for a Rescue Squad Retirement Fund.
b. Alternative Work Schedules	W. Woodard Thomas	\$3,000	\$2,500	1	1981		Discussed the desire for and availability of flexible work hours for state employees.
c. Temporary State Employees' Retirement Coverage	Nye Creech	\$6,000	No additional allocation	1	1981		Examining the number of temporary positions funded by the state and the government's responsibility to temporary employees.
d. Law Enforcement Officers' Salary Continuation Plan	McMillan Harris	\$5,250 ¹	—	5	1980		Study completed. Recommended legislation: (1) to provide a salary continuation plan for specified state employees for permanent and total disability arising from a job-related injury; and (2) to provide two years' salary continuation for specified state law enforcement officers injured in the line of duty.
10. TAXATION							
a. State Revenue Sharing	Bell Schwartz	\$8,000	\$5,500	5	1981		Considering legislation that would distribute some portion of the general revenues to counties and municipalities.
b. Revenue Laws (originally created in 1977)	Lilley Rauch	\$8,000	\$8,000	6	1980/81		Report to the 1980 General Assembly included legislation modifying the sales tax, intangibles tax, individual income tax, property tax, and gasoline tax.
TOTAL		\$140,300	\$83,200				

¹The original allocations for the Wilderness Camp and Law Enforcement Officers' Salary Continuation Plan studies were \$3,000 and \$6,000, respectively. On February 28, 1980 the LRC transferred \$750 from the latter to the former.

²The original allocations for the Products Liability and Liquor Laws and Proof Liter Taxation studies were \$6,000 and \$8,000, respectively. On February 28, 1980 the LRC transferred \$2,000 from the former to the latter.

SOURCES:

Columns 1-4: August 19, 1980 memorandum from the LRC chairpersons to the members of the LRC, the co-chairpersons of the subcommittees, and the counsel to the subcommittees.

Column 5: Committee Progress Report of the LRC to the 1980 General Assembly.

Column 6: LRC Committee Progress Report to the 1980 General Assembly; interim and final subcommittee reports.



FROM THE CENTER OUT

On October 28, the Center released a 56-page report entitled *Health Education: Incomplete Commitment*. Written by Center staff member Susan Presti, the report examines health education in North Carolina's public schools, a subject for which the State Department of Public Instruction (DPI) is currently developing a long-term plan. In 1979, the Center surveyed the state's 145 school units concerning this topic. The survey results and subsequent research led the Center to the following conclusion: "The future of health education in North Carolina is uncertain. As DPI develops its program blueprint over the next two years, the quality of health education will continue to be largely dependent upon local initiative. Health education in North Carolina's public schools has suffered from an incomplete commitment." The Center is distributing free of charge 3400 copies of the report to Center members, the media, the N.C. Society of Public Health Educators (NCSOPHE), local school superintendents, and various health educators, health personnel, and educators.

This fall, the Center also released *Foreign Languages and Area Studies: Options for North Carolina*, published jointly with the North Carolina Council on International Education. Written by Susan Presti of the Center and Dr. Andrew Scott, professor of political science at the University of North Carolina at Chapel Hill, the report summarizes the proceedings of a conference on international education in North Carolina which was held in Chapel Hill on March 27-28, 1980. The conference reviewed the deficiencies of foreign language and area studies instruction in North Carolina and explored numerous options to improve this situation, including foreign travel and summer workshop programs. A sampling of letters received in response to this report follows:

I have just received a copy of *Foreign Languages and Area Studies: Options for North Carolina*. Thanks for sending this.

I venture to say that this document will prove most useful to us. It may well move us here at PSU to take steps which would more emphasize and upgrade language studies here.

You are to be congratulated for your work in this enterprise.

Sincerely,
Gibson Gray, Ph.D.
Professor
Pembroke State University

I have enjoyed reading *Foreign Languages and Area Studies: Options for North Carolina*.

This must have been a meaningful conference, but one thing seemed to me to be lacking. There is a lot of interest now in the humanities, not just foreign languages, but the basic languages of Latin and Greek which have so much to do with the derivation of words and our language.

I did not see any reference in the entire document to the discipline that is afforded to students in the learning of our basic languages of Latin and Greek or the desirability of training some teachers in these areas, and I think this is important if we are to maintain our cultural heritage.

The humanities are going to become increasingly important in all the professions, and in fact, there is a movement afoot to train medical students in college with a much broader humanities education than they are now receiving.

Sincerely,
Eben Alexander, Jr., M.D.
Department of Surgery
Bowman Gray School of Medicine
Wake Forest University

EDITOR'S NOTE: Foreign Language and Area Studies did contain an assessment of Latin language programs in North Carolina public schools; Greek is not taught in any North Carolina public schools and was not mentioned in the report.

Letters to the Editor

Energy

Compliments are in order for your worthwhile publication, *N.C. Insight*. I have on hand the copy of the winter 1980 issue that discusses North Carolina's energy future. Please send subscription information to my attention at the above address.

Sincerely,
Sandra L. O'Connor
Librarian
The Legal Aid Society of
Northwest North Carolina, Inc.

I was delighted to see you dedicate the winter (1980) issue of *N.C. Insight* to North Carolina's energy future. It was most timely.

You and your staff are also to be commended for your selection of articles and for presenting an accurate and comprehensive view of the many aspects of this vital issue.

Thank you for a job well done.

Sincerely,
James E. Gibson, Jr.
Director, Energy Division
N.C. Department of Commerce

Criminal Justice

I have just started reading the recent issue of *N.C. Insight*, and I am finding it terribly interesting, as usual. This publication deserves wide circulation.

Also I want to express a word of thanks for the previous issue (spring, 1980), which contains some important articles on criminal justice matters. The Criminal Justice Committee of the North Carolina Council of Churches found these articles especially helpful, and they influenced the development of our legislative program for 1981.

Keep up the good work!

Sincerely,
S. Collins Kilburn
Executive Director
North Carolina Council
of Churches

Forces of Paradox

I appreciate your reference to my work on behalf of women inmates in "Minorities Get the Squeeze" in the Summer (1980) issue of *N.C. Insight*.

The account of political women illustrates the need for these policy makers to become more knowledgeable and more responsive to the needs of the poor and vulnerable women that we represent.

I am pleased that you praised Rep. Ruth Cook for her efforts in day-care legislation.

Sincerely,
Wilma C. Woodard
(D-Wake)

I just finished your latest issue of *Insight* ("Forces of Paradox," summer, 1980). It is truly superior. It is not only a penetrating analysis, but it is exceptionally well written as well.

Kind regards,
Patric Mullen
Legislation
Legal Services of North
Carolina, Inc.

More on Milk

You ask for member comment, so I offer my reaction to Allen's article on a subject which has troubled me for nearly two years — milk pricing. ("Milk Regulations: More Than a Lot of Bull," by Noel Allen, *N.C. Insight*, Spring, 1980). The article was interesting from a general and historical point of view, but it doesn't provide answers to the basic frustrations:

1. Michigan assures the farmer a *much* higher rate per CWT than North Carolina; but this week, papers in Detroit advertise homogenized milk at 78¢ to 89¢ per half gallon, while stores here in Durham have shelf prices of \$1.29 to \$1.41! This means that the Durham milk price is 62% higher than the Michigan price.

2. A year and a half ago, Food Town suddenly discontinued a brand of milk from Columbus, Georgia. We had considered it superior to other milks we had tried, and it was nearly 20¢ per half gallon cheaper than local brands. The manager told us that the State would no longer permit them to sell that brand because it was not made in North Carolina! Why? If a better milk can be brought in and sold cheaper, from a state which also assures the farmer a fair price, why can't it be imported? Apparently, this is a decision of the Health Department which does not test such milk for impurities, but merely considers trucking milk into the state to be "poor practice."

3. The Milk Commission seems to find no difference between the dairy farmer, the dairy coop and the dairy business. The Commission requires that no dairy product can be sold (at any stage of production) at less than "cost," which, in this case, is a vague term requiring increases for numerous intangibles. It is a policy which contributes to the conning of the consumer, who is told to pay whatever is charged so that the farmer will receive his due. It is a fraud against the consumer. Mr. Allen's article does not expose that fraud.

If a free market were permitted — or required — under which milk could come in from other states without penalty, and could be sold at any price, competitively, the true dairy farmers in North Carolina could receive a higher rate per CWT, but the consumer would pay much less per gallon.

Sincerely,
Arthur L. Shepard
Durham

*If you have comments on N.C. Insight
or Center reports, please let us
hear from you.*

N.C. Center for Public Policy Research
P.O. Box 430
Raleigh, North Carolina 27602

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