



Paul Cooper

State Sens. Harold Hardison (D-Lenoir) and Kenneth Royall (D-Durham) left, and Rep. Dwight Quinn (D-Cabarrus) endure another interminable committee session.

The Short Session: How Long, Oh Lord, How Long?

by Jack Betts

Mason Williams, a songwriter and entertainer who never had to serve time at 201 E. Jones Street in Raleigh, once observed, "There are no empty Tabasco bottles."

In the same spirit that moved Williams to comment on the never-ending quality of the hot sauce, it must be observed: There are no short sessions of the North Carolina General Assembly. They all are long, but some are longer than others. Usually, the sessions convening in odd-numbered years are the longest, and the so-called budget sessions, a.k.a. "short sessions," which convene about this time in even-numbered years, are not as long. They just *seem* as long to weary lobbyists, secretaries, fiscal researchers, committee staffers, reporters, and even legislators themselves.

And this year's "short session" promises to seem—if not be—longer than any other session. *Videri quam esse*, to paraphrase the state motto.

The upcoming session has the promise of things that would drive Jay Hensley up the wall. Hensley, a veteran reporter in western North Carolina, covered annual and "short" sessions of the General Assembly until he couldn't take it anymore and returned to the mountains to cover the annual burning of the courthouse in certain politically fractious counties where party registration provokes the letting of blood.

In the old days, the Capital Press Corps bestowed an annual award of dubious honor on the first reporter to do a story predicting when the assembly would adjourn for the year and go home. In the 1979 session, the days seemed to drone on and on, and finally Hensley could stand it no more. He dashed off a story for *The Asheville Citizen* speculating on when the legislature would finally

Jack Betts is associate editor of North Carolina Insight.

adjourn for the year. As old-timers recall, it was the first week of February when Hensley wrote that piece, and the assembly had been in session only about two weeks.

Fortunately, a younger breed of reporters with cast-iron stomachs and a high tolerance for hot air constitute the Capital Press Corps these days, and the thought of a six-week "short session" dragging on through the steaming days of June and July fazes them not a jot or a tittle. Well, a jot, maybe.

But not veteran reporters like Jim Shumaker. Actually, Shumaker is such a veteran that no one in the Capital Press Corps can remember when Shumaker was a working reporter. Now he teaches journalism at UNC-Chapel Hill, and occasionally he ambles over to the Legislative Flats to see if the Nobles are still in session. They always are (see paragraph two of this article for more), and Shumaker often writes about the Honorables with the sort of deference usually reserved for the rougher element of society. In

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1981, for instance, he dropped into the press gallery and later wrote, "In the House, debate was in full blow, with gusts of up to 120 words a minute...." But Shumaker has the right idea: He never stays more than an hour or two, and he never visits more than once a quarter. So sessions are not long to him—at least not anymore.

Despite what any rational person might think, there actually is no state law that *requires* a "short" session to be long. But even worse, there's no law *prohibiting* a "short" session from being long. Virginia and South Carolina both had the wisdom to adopt laws making sure that even their long sessions were short. But North Carolina has adopted no law making sure its long sessions are short, or even that its short sessions will be short, to make a long story short.

No, the fact that this "short" session of the legislature may be long is due entirely to the fact of a devilishly clever innovation being introduced by Gov. James G. Martin. (There is no state law requiring the governor of North Carolina to be

named James, either, despite the fact that the last three have been named Jim. But that's another story, and it's a long one.) Martin, the first former Davidson College chemistry professor and tuba player-turned Congressman ever to be elected governor (in North Carolina, at least), has devised a cunning legislative strategy that threatens to turn the world of biennial lawmaking on its bicameral ear.

For almost every legislative session since the last of the Royal Governors fled for their lives (the last one was also named Martin, but that's another story, too, and it's a longer one), governors have sent their main legislative programs to the General Assembly as soon as the solons convened. In modern history, Gov. James B. Hunt Jr. sent his first General Assembly (1977) a lengthy laundry list of programs he wanted enacted. When the session was over six months later, Hunt had gotten everything he wanted except for ratification of the Equal Rights Amendment (which the legislature has yet to approve) and a new criminal sentencing system, which the legislature did enact later.

But in 1985, Governor Martin took a new tack. He sent only *one* major initiative to his first General Assembly—a tax cut proposal. And the legislature, which stayed in session six months only because it convened nearly a month later than usual, adopted only part of the tax cut. It adopted a lot of other bills, too, but hardly any of them were proposed by Governor Martin, because most of the legislators were Democrats, and Governor Martin is a 100 percent, red, white, and blue-blooded Republican.

Martin publicly lamented his rude treatment by the General Assembly, and the Speaker of the House and the Lieutenant Governor took appropriate umbrage, and so forth until the 1985 session was long forgotten and thoughts of the 1986 "short" session began to intrude into the legislative consciousness. That intrusion picked up speed as Governor Martin began announcing his new laundry list for the 1986 "short" session—a list that looks more like a regular session agenda than a "short" session wish list.

That list includes:

- A \$157 million program to deal with prison overcrowding by expanding the probation system, constructing new prisons, and contracting with private, for-profit firms to build and operate prisons in North Carolina, an extremely controversial subject in every other state where it has been proposed.

- A proposal to raise gasoline taxes by 2.75

cents per gallon; to transfer funding for the State Highway Patrol from the Highway Fund to the General Fund; and to create a \$70 million revolving fund from which municipalities and counties could borrow for paving needs.

- Efforts to bolster the teaching profession and encourage teachers to stay in the classroom.

- A request for \$750,000 in an effort to bag a federal research project called the \$6 billion Superconducting Super Collider, a 52-mile atomic racetrack to be built underground through Granville and Person counties, just a microchip's lob from the Research Triangle.

- And the normal "short" session adjustments to the biennial \$16.6 billion budget, including the spending of a projected \$385 million credit balance, and pay raises for teachers and state employees.

That would be a heavy enough workload for a regular session, but there's more on the legislative agenda than just the issues Martin is promoting. For instance, there are study commission reports (about eleven trillion study commissions were authorized in 1985, even though fiscal and general research staff members themselves *seem* certain as to the exact number), and there are competing proposals to deal with medical malpractice and liability insurance issues, not to mention other controversial subjects such as proposals to reform

the special provisions system (see page 48), to abolish 67 boards and commissions (see page 2), and to change the rules for annual pork barrel spending.

Opinion is divided on whether the legislature can deal effectively with all of Martin's proposals as well as other legislative issues. Those who have witnessed firsthand the work of the N.C. General Assembly in the post-World War II era believe it's impossible to deal fairly and fully with each of those items in a "short session." Those who have spent the last 20 years traveling in another solar system think it just might be possible.

Some observers of the political process may attribute the unrealistically heavy agenda for a "short" session to Governor Martin's relative inexperience in dealing with the General Assembly. Others, however, are suggesting that Martin learned his lessons well enough in 1985, when Democratic legislators whined early and often that the Governor was tardy in sending them his proposals for their consideration. Martin will be sending them plenty to chew over this time, but he probably will be wise enough to avoid publicly castigating legislators, as he did a year ago, when his proposals were altered during debate.

"Last year, Governor Martin came on like Rambo," says Ted Harrison of the UNC Center for

Tuba player Jim Martin
delivers his State-of-The-State address to
Democratically controlled legislature on Feb. 28, 1985.



Public Television, and the dean of the Capital Press Corps. "This year, it looks as though he will be more like Gary Cooper in 'High Noon.'"

That is, Martin will be relying more on savvy and finesse, rather than firing from the hip with

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his .50-caliber, gas-fired, air-cooled, automatic-fire barrage of words aimed at the legislative leadership in particular and the Democratic majority in general. But like The Coop, Martin can't be expected to take it lying down if and when his programs themselves become the target. The chances are that he will have learned how to fight—and that calling the Speaker and the Lieutenant Governor names don't help much. Without veto power, he's got to have the ammunition to fight this fight, and if he can provide the facts to back up his calls for private prisons, for example, or transferring the Highway Patrol to the General Fund, he and his programs will be more successful.

Another view, of course, is that Martin knows he can't get all he wants from this "short" session, even if it does run long. But by proposing so much, he will be observing Dirksen's Third Law of Politics, which holds, "Don't Get Mad, Get Even."¹ By sending the legislature so many major initiatives to deal with in a short period, Martin thereby puts pressure on the Democrat-controlled body either to pass the buck, pass it all, or pass the steamy summer in session trying to pass something other than the time of day.

Of course, the Democrats could always refer the whole ball of wax to an obscure study committee and head for the beach. Tradition suggests that this referral gambit could occur regularly this session. It happened to Gov. James E. (the other Republican Jim) Holshouser innumerable times. It also happened during the governorship of the first Republican to serve any time in the 20th Century. He was Daniel (this was before the unwritten rule requiring governors to be named Jim) Russell (1897-1901), and during *his* first session of the legislature, near-anarchy reigned in the Senate. The Democrats were outnumbered by the Republicans and the Populists, who together called themselves the Fusionists. But even operat-

ing in a majority did not help the Republicans.

One GOP stalwart, Sen. James L. Hyatt of Burnsville, then in his first term, rose to his feet in the Senate late in the evening of Feb. 12, 1897, and introduced Senate Bill 676, an act to provide for female suffrage in North Carolina.² The bill was immediately referred to the Committee on Insane Asylums and was never seen again. Hyatt would not be reelected to the legislature for another 14 years, and Governor Russell was to gain fame mainly as the first governor to take official note of the ghost in the Executive Mansion. But that's another story.

Fortunately for Martin, there is no Committee on Insane Asylums anymore, and legislative leaders who are looking for a place to sink his proposals will have to be more creative—or more devious—if they plan to scuttle all or even a big part of Martin's legislative program. But then, they've got plenty of time to do it. After all, this "short" session of the General Assembly promises to be a long one. The question is, if the lawmakers are still in session in August, will anyone notice? □◀

FOOTNOTES

¹Dirksen's Three Laws of Politics: (1) Get elected. (2) Get reelected. (3) Don't get mad, get even. By the late U.S. Senator Everett McKinley Dirksen (R-Illinois), as reported in *The Official Rules*, by Paul Dickson, Delacourt Press, New York, 1978, p. 39.

²S.B. 676, reported at p. 295, *Journal of the Senate of the State of North Carolina*, 33rd day, Regular Session 1897.

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