



**NORTH CAROLINA CENTER FOR
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For more information,
call Ran Coble or Mike McLaughlin
N.C. Center at (919) 832-2839

Policy Center Sees North Carolina Drifting Away from Citizen Legislature Concept

Like the red-cockaded woodpecker or the Indiana brown bat, North Carolina's citizen legislature is threatened with extinction, says the N.C. Center for Public Policy Research in the latest edition of its journal, *North Carolina Insight*. The Center says the state is drifting toward a full-time or professional legislature, but with pay and benefits lingering at the part-time level due to the political difficulty of raising legislators' salaries.

"It's time for the legislature to make a conscious decision about what it wants to be," says Center executive director Ran Coble, co-author of the Center's study with *Insight* editor Mike McLaughlin. "The General Assembly either needs to take concrete actions to preserve a citizen legislature or take steps to become a professional legislature. What we have now is decision by drift, which gives our citizens the advantage of neither model."

Coble sees five indicators of a drift away from a part-time legislature. Those indicators are: (1) increasingly long legislative sessions; (2) more special sessions to deal with issues that arise when the General Assembly is out of session; (3) more study commissions convening between sessions; (4) appropriations committees meeting between the two most recent sessions; and (5) special investigative committees taking on a life of their own both during and between sessions.

But if increasing demands are being placed on legislators' time, there remains some disagreement about what constitutes a citizen legislature. This complicates efforts to address the problem. "What -- if anything -- should be done to preserve the citizen legislature?" asks Coble. "It depends on how you define it. Different definitions suggest different approaches, and the term 'citizen legislature' means different things to different people."

To some, a citizen legislature means a body made up predominantly of people who hold other jobs and consider the legislature to be part-time work. To others, it means a governing body that is representative of the public in terms of race, gender, occupation, and other demographic variables. Still others consider a citizen legislature to

be one in which any citizen can afford to serve. And, some might consider a citizen legislature to be all of the above.

Each way of defining the citizen legislature suggests a different approach to preserving it. If it's a part-time job in which members work other jobs, the answer might be limits on session length. If the citizen legislature means one that is representative of the citizenry as a whole, higher pay that recognizes the full-time nature of legislative service might enable more people to serve. If a citizen legislature means one in which all citizens can afford to serve, then campaign finance reform may be part of the answer.

Karl Kurtz, who tracks state assemblies for the National Conference of State Legislatures in Denver, Colorado, says there currently are 10 states governed by professional legislatures and 16 governed by citizen or part-time legislatures. He says North Carolina is one of the 24 states that are hybrids. Relatively large populations and large state budgets are two characteristics common to states with professional legislatures. North Carolina ranks 11th in the nation in population and 12th in the size of its operating budget. Among the 12 states with the largest budgets, only Texas, Georgia, and North Carolina do not have professional legislatures. And, among the 11 most populous states, the only states without a professional legislature are again Texas, Georgia, and North Carolina.

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

The citizen legislature traditionally has been considered one comprised primarily of ordinary citizens who hold other jobs but give up part of their year to come to Raleigh and pass laws that govern the state. By this definition, the citizen legislature is clearly under siege. In 1997, legislators spent 212 calendar days in session – a period spanning from January 29 to August 28. In 1998, when legislators were expecting a short session to adjust the budget, they wound up in Raleigh for 172 calendar days. And this came on top of a 38-calendar-day special session to enact a child health initiative. The 1999 session was shorter at 176 calendar days, but it still lasted from January 27 to July 21 and was followed by a special session on flood relief in December 1999.

Besides the time the legislature is officially in session, there are duties to be handled when the General Assembly is adjourned. These include providing constituent services, attending legislative study commission meetings, and fund-raising and campaigning for office. All these official and unofficial duties leave little time for performing another job in the home district.

The Center identifies three direct means of limiting the length of legislative sessions. These are: (1) limiting session length through an amendment to the state constitution; (2) limiting session length by passing a state statute; and (3) exercising self-discipline in limiting session length in the House and Senate rules, where the current bill deadlines reside.

A bill by Sen. Roy Cooper (D-Nash) and Sen. David Hoyle (D-Gaston) calls for a citizen referendum on a constitutional amendment that would limit session lengths to 135 calendar days in long session years and 90 days in short session years. "There are business people, school teachers, and others who should be serving in the legislature but cannot due to the erratic and lengthy time commitment involved," says Cooper, a Democratic candidate for Attorney General this year. A total of 29 states limit session length in their state constitutions, including several Southern states.

Still, some lawmakers believe session length should not be limited at all, and others believe that if session length is to be limited, an amendment to the state constitution is not the correct vehicle. "It's such a weak-kneed approach," says Sen. Virginia Foxx (R-Watauga). "We're saying, 'Make me do this.'" Foxx believes that session length should be limited by state statute and that legislators should abide by their own law. A weakness of this approach is that the legislature could pass another bill that overrides the law governing session length, although this might prove to be politically difficult. House and Senate rules also are subject to being overridden by a super-majority vote of each respective chamber.

2. The Citizen Legislature Defined as Representative of the State in Its Demographics

Others consider a citizen legislature to be one which would reflect the state's population in terms of race, gender, and work experience. Occupations listed by members of the General Assembly and maintained by the Center reflect a wide range of fields, including 54 in business and sales, 38 retirees, 10 educators, four employed in health care, two lawmakers who list their occupation as banking, and three who say they already are full-time legislators.

Still, neither a butcher, a baker, nor a candlestick-maker is in the mix. Indeed, the General Assembly is not a mirror image of the state's population. For example, only two of 170 legislators in the 1999-2000 General Assembly indicate they earn their living in a manufacturing job, while statistics maintained by the N.C. Employment Security Commission indicate that nearly a quarter of the state's non-agricultural work force earns their living in this fashion. And, women represent a majority of the state's population but only 18 percent of the General Assembly's membership (31 of 170 members). Millworkers and other blue-collar workers are largely absent.

Those who want a more representative legislature argue for higher legislative pay and benefits. This would mean more people from more walks of life could run for office and serve, they say.

But some legislators question whether having a number of elected officials from various demographic groups should even be a goal. "One can represent a group without being a member of it," said Sen. Hamilton Horton (R-Forsyth). "The qualifications of a legislator should be wisdom, ability, and fairness – not membership in a defined class."

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

Yet another definition of a citizen legislature is a place where all citizens can afford to run for office and serve. That currently is not the case in North Carolina, where the cost of winning a legislative seat is rising rapidly. The average cost of winning a state Senate seat in 1998 was \$110,638 compared to \$36,301 in 1993-94 – a 205 percent increase, according to the North Carolina Forum for Research and Economic Education (NCFREE), a business-oriented research group based in Raleigh. The average cost of winning a state House seat was \$49,522, up from \$25,551 in 1993-94 – a 94 percent increase. These costs are magnified by the fact that candidates have to run for office every two years.

Among the solutions proposed to assure the average citizen's ability to run for the legislature is public financing of legislative campaigns. The 1999 Clean Elections Act sponsored by Sen. Wib Gulley (D-Durham) and Rep. Martha Alexander (D-Mecklenburg) would provide legislative candidates public financing if they attracted small donations from a given number of registered voters in their districts. House members would need to gather 250 small contributions, while senators, who serve in larger districts, would need 500. The bill has attracted 56 legislative co-sponsors and is alive for consideration in the 2000 General Assembly, though passage is considered unlikely. "It does provide an alternative to candidates so they can get out of the money chase," says Bob Hall of Democracy South in Durham, N.C., a research and advocacy organization that looks at the influence of money on state politics and policy. Besides legislative races, candidates for statewide Council of State offices, lieutenant governor, and governor also would be eligible for public financing if they attracted enough small contributions.

But public financing of legislative campaigns still faces an uphill fight in the General Assembly. "I don't want a tax dollar going to any county in this state to elect a legislator," said Rep. Ronnie Sutton (D-Robeson). "I'm against that." Many business interests also oppose public financing. "Public financing of political campaigns in North Carolina is an idea whose time has not come," says Phil Kirk, President of North Carolina Citizens for Business and Industry. "We have too many legitimate uses of tax money for higher priority issues, such as education, transportation, health care, and justice."

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

Some legislators in both parties think it's time to move to a professional legislative model with higher pay. "I'm one of those people who favor a full-time legislature," says Rep. Larry Justus (R-Henderson). Justus says the job currently demands "full-time work for part-time pay," adding, "North Carolina is too big both in population and the budget we spend not to have continued oversight over that budget." Currently, Justus says, the legislature is tilted toward "the independently wealthy, those subsidized by law firms or insurance companies, or something like that, and retirees like myself."

North Carolina legislators receive a salary of \$13,951 annually, plus an annual expense allowance of \$6,708. In addition, they receive subsistence pay of \$104 a day, seven days a week when the legislature is in session, pension benefits, and limited travel reimbursement of 29 cents per mile.

Rep. Ronnie Sutton (D-Robeson) also is among those advocating higher pay for North Carolina legislators, who have not had a raise since 1994. Sutton could not get a vote on his bill filed in the 1999 session to allow state lawmakers the same pay raise given to other state employees. Sutton believes that ideally, pay should be about \$50,000 per year, with additional expense money to cover room and board.

The N.C. Center for Public Policy Research is an independent, nonpartisan, nonprofit corporation created to study public issues facing North Carolina and to evaluate state government programs. The Center receives general operating support from the Z. Smith Reynolds Foundation in Winston-Salem, 13 other foundations, 190 corporate contributors, and almost 1,000 individual and organizational members across the state. In addition to publishing *North Carolina Insight*, the Center also publishes book-length research reports, a citizens' guide to the legislature, and textbooks for teachers of state and local government. The Center currently is studying governance of public universities, the state's record in sustaining public education reform, and state lotteries.

Copies of the issue of *North Carolina Insight* containing the Center's research on the Citizen Legislature in North Carolina are available for \$11.50, which includes tax, postage, and handling. To order, write the Center at P.O. Box 430, Raleigh, N.C. 27602, call (919) 832-2839, fax (919) 832-2847, or order through the Center's web site at www.ncinsider.com/nccppr.

For more information on the Center's study of the Citizen Legislature in North Carolina, call Ran Coble, executive director of the Center, or Mike McLaughlin, editor of *North Carolina Insight*, at the N.C. Center for Public Policy Research at (919) 832-2839.

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

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

Table 1, continued

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

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

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

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

Source: Office of Legislative Services

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

State	Legislative Style*	State Operating Budget Size** (in thousands)	Rank	Population***	Rank
Alabama	hybrid	\$ 7,241,270	22	4,351,999	12
Alaska	hybrid	3,309,084	38	614,010	48
Arizona	hybrid	5,480,384	27	4,668,631	21
Arkansas	part-time	4,224,063	32	2,538,303	33
California	professional	45,977,063	1	32,666,550	1
Colorado	hybrid	5,302,956	28	3,970,971	24
Connecticut	hybrid	7,379,375	20	3,274,069	29
Delaware	hybrid	1,935,447	44	743,603	45
Florida	professional	17,817,600	5	14,915,980	4
Georgia	part-time	11,348,238	11	7,642,207	10
Hawaii	hybrid	3,902,225	33	1,193,001	41
Idaho	part-time	1,746,045	45	1,228,684	40
Illinois	professional	17,059,582	6	12,045,326	5
Indiana	part-time	8,140,034	17	5,899,195	14
Iowa	hybrid	4,674,318	30	2,862,447	30
Kansas	hybrid	3,526,523	37	2,629,067	32
Kentucky	hybrid	6,885,246	25	3,936,499	25
Louisiana	hybrid	7,790,851	18	4,368,967	22
Maine	part-time	2,646,772	40	1,244,250	39
Maryland	hybrid	8,524,965	15	5,134,808	19
Massachusetts	professional	12,943,968	10	6,147,132	13
Michigan	professional	15,462,769	7	9,817,242	8
Minnesota	hybrid	7,943,828	16	4,725,419	20
Mississippi	hybrid	4,236,392	31	2,752,092	31
Missouri	hybrid	6,932,243	24	5,438,559	15
Montana	part-time	1,596,989	46	880,453	44
Nebraska	hybrid	2,656,228	39	1,662,719	38
Nevada	part-time	1,982,203	43	1,746,898	36
New Hampshire	part-time	2,007,845	42	1,185,048	42
New Jersey	professional	14,281,256	9	8,115,011	9
New Mexico	part-time	3,754,132	34	1,736,931	37
New York	professional	38,115,857	2	18,175,301	3

Table 2, continued

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

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

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

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